

4-3-90

Vol. 55

No. 64

U.S. GOVERNMENT
PRINTING OFFICE
FEDERAL REGISTER

Tuesday
April 3, 1990

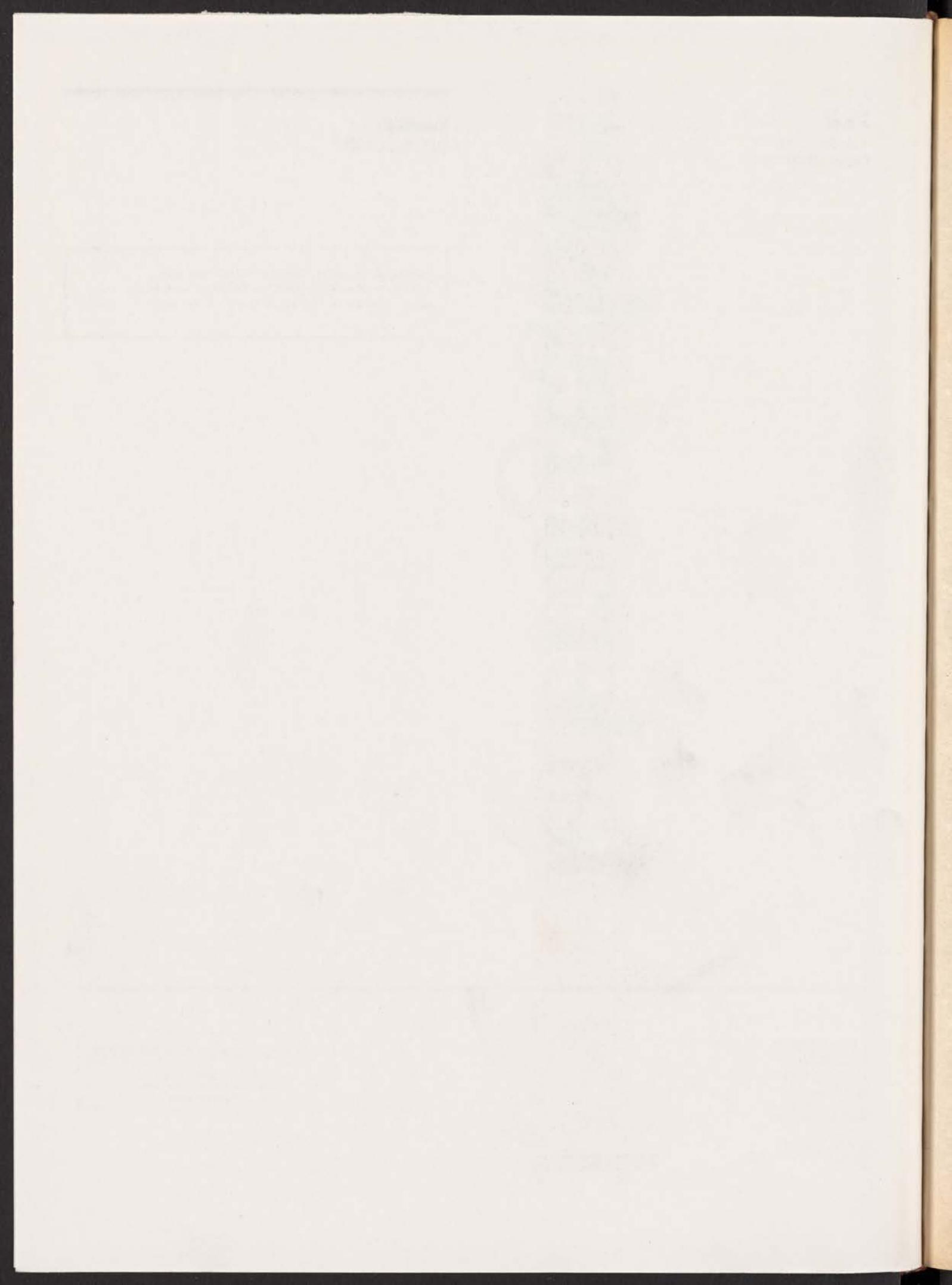
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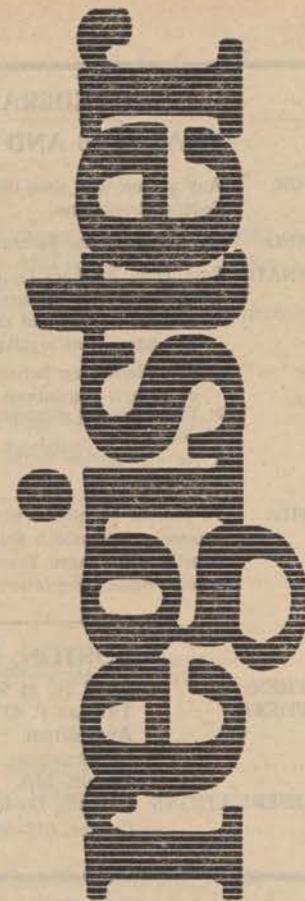
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(ISSN 0097-6326)



4-3-90
Vol. 55 No. 64
Pages 12327-12470

Tuesday
April 3, 1990

Briefing on How To Use the Federal Register
For information on briefing in Boston, MA, see
announcement on the inside cover of this issue.





FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR:	Any person who uses the Federal Register and Code of Federal Regulations.
WHO:	The Office of the Federal Register.
WHAT:	Free public briefings (approximately 3 hours) to present: 1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations. 2. The relationship between the Federal Register and Code of Federal Regulations. 3. The important elements of typical Federal Register documents. 4. An introduction to the finding aids of the FR/CFR system.
WHY:	To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

BOSTON, MA

WHEN:	April 16, at 9:00 a.m.
WHERE:	Thomas P. O'Neill Federal Building Auditorium, 10 Causeway Street, Boston, MA.
RESERVATIONS:	Call the Boston Federal Information Center, 617-565-8129

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Federal Register

Vol. 55, No. 64

Tuesday, April 3, 1990

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 315

Career and Career Conditional Employment

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing regulations setting forth the requirements for noncompetitive conversion of employees occupying reader, interpreter, or personal assistant positions from the excepted service. These regulations will permit employees who have at least 1 year of satisfactory service in such a position to be converted noncompetitively. These regulations are necessary to implement Executive Order 12685, which authorizes such conversions.

DATES: Regulations effective April 3, 1990. Comments must be received on or before May 3, 1990.

ADDRESSES: Send or deliver written comments to Leonard R. Klein, Acting Associate Director for Career Entry and Career Development, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Larry Chloupek, (202) 632-0601.

SUPPLEMENTARY INFORMATION:

Executive Order 12685, issued July 28, 1989, provides that an individual employed in a position as a reader, interpreter, or personal assistant under 5 CFR 213.3102(11), whose employment in such a position is no longer necessary and who has completed at least 1 year of satisfactory service under a non-temporary appointment, may be converted noncompetitively to a career

or a career-conditional appointment provided the individual meets qualifications and other requirements established by the Director of the Office of Personnel Management. Federal agencies employ personal assistants as part of the Government's affirmative efforts to employ persons with disabilities and make reasonable accommodations.

In 1980, the statutory authority to employ personal assistants for workers with disabilities was expanded, and OPM established an excepted service authority for the hiring of personal assistants, readers, and interpreters.

The Executive Order was issued to recognize, in some cases, that personal assistance duties require the individual to be highly knowledgeable of the program responsibilities and occupational duties. The personal assistants, readers, and interpreters may, over time, become more deeply involved in the technical work of the employee with the disability. Thus, personal assistants, readers, and interpreters represent a significant resource to the Government for positions in the technical, assistant, or professional series.

Waiver of Notice of Proposed Rulemaking

Under 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these amendments effective in less than 30 days. The regulations are needed to give practical effect to E.O. 12685. Since the President has already determined that noncompetitive conversion of personal assistants, readers, and interpreters is appropriate, we expect that most comments on these regulations will deal with the technical provisions. Because agencies have urgent, current needs to utilize this conversion authority to promote efficient operations, implementation of E.O. 12685 should not be delayed until all technical details are finalized.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities

(including small businesses, small organizational units, and small governmental jurisdictions) because they apply only to Federal employees.

List of Subjects in 5 CFR Part 315

Administrative practice and procedure, Equal employment opportunity, Government employees, and Handicapped.

U.S. Office of Personnel Management. Constance Berry Newman, Director.

Accordingly, OPM is amending 5 CFR part 315 as follows:

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

1. The authority citation for part 315 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; Sections 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652; Sections 315.602 and 315.604 also issued under 5 U.S.C. 1104, Pub. L. 95-454, sec. 3(5); Section 315.603 also issued under 5 U.S.C. 8151, Pub. L. 93-416; S315.605 also issued under E.O. 12034, 43 FR 1917, Jan. 13, 1978; Section 315.606 also issued under E.O. 11219, 3 CFR 1964-1965 Comp., p. 303; Section 315.607 also issued under 22 U.S.C. 2506, 93 Stat. 371, E.O. 12137, 22 U.S.C. 2506, 94 Stat. 2158; Section 315.608 also issued under E.O. 12362, 47 FR 21231; Section 315.610 also issued under 5 U.S.C. 3304(d), Pub. L. 99-586; Section 315.710 also issued under E.O. 12596, 52 FR 17537; S315.711 also issued under E.O. 12685, 54 FR 31796, July 28, 1989; Subpart I also issued under 5 U.S.C. 3321, E.O. 12107.

2. In part 315, a new § 315.711 is added to subpart G to read as follows:

Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

§ 315.711 Readers, interpreters, and personal assistants serving under Schedule A appointments.

(a) **Agency authority.** An agency may convert noncompetitively to career or career-conditional employment, a reader, interpreter, or personal assistant:

(1) Who completed at least 1 year of satisfactory service in such a position under a non-temporary appointment under 5 CFR 213.3102(11); and

(2) Whose employment in such a position is no longer necessary for reasons beyond management control,

e.g. resignation or reassignment of the employee being assisted.

(b) *Tenure on appointment.* (1) Except as provided in paragraph (b)(2) of this section, a person appointed under paragraph (a) of this section becomes a career-conditional employee.

(2) A person appointed under paragraph (a) of this section becomes a career employee when he or she has completed the service requirement for career tenure or is excepted from it by § 315.201(c).

(c) *Acquisition of competitive status.* A person appointed under paragraph (a) of this section acquires a competitive status automatically on appointment.

JFR Doc. 90-7602 Filed 4-2-90; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 081CE, Special Condition 23-ACE-52]

Special Conditions; Piaggio Model P-180 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are being issued to become part of the type certification basis for the Piaggio Model P-180 series airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These novel and unusual design features include the installation of electronic displays and the protection of them from indirect effects of lightning and high energy radiated electromagnetic fields (HERF) for which the applicable regulations do not contain adequate or appropriate airworthiness standards. These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: May 2, 1990.

FOR FURTHER INFORMATION CONTACT: Ervin E. Dvorak, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Service, Central Region, Federal Aviation Administration, Room 1544, 601 East 12th Street, Federal Office Building, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION

Background

On December 21, 1989, Rinaldo Piaggio, S.p.A. requested that the FAA initiate special conditions for the Model P-180 airplane. The Model P-180 is a normal category, 9 passenger airplane with a partially composite structure airframe, forward wing (Canard), T-tail configuration, and twin-turboprop engines that are main-wing mounted with pusher propellers aft of the main wing trailing edge. The installation may incorporate an electronic attitude director indicator (EADI) and an electronic horizontal situation indicator (EHSI) in lieu of the traditional mechanical or electro-mechanical displays providing similar information to the flight crew.

Type Certification Basis

The type certification basis for the Piaggio Model P-180 series airplane is as follows: Part 21 of the Federal Aviation Regulation (FAR) § 21.29; part 23 of the FAR, effective February 1, 1965, including amendments 23-1 through 23-33; SFAR 27 effective February 1, 1974, as amended by amendments 27-1 through 27-5; part 36, effective December 1969, as amended by amendments 36-1 through amendment 36-16; Special Condition No. 23-ACE-29; and the special conditions that may result from this proposal.

Discussion

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane or installation. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become a part of the type certification basis, as provided by § 21.17(a)(2).

The proposed type design of the Piaggio Model P-180 series airplane contains a number of novel and unusual design features not envisaged by the applicable airworthiness standards. Special conditions are considered necessary because the applicable airworthiness standards do not contain adequate or appropriate safety standards for the novel or unusual design features of the Piaggio Model P-180 series airplane. Special conditions resulting from this notice will also be applicable to all Piaggio Model P-180

series airplanes, including the installation of similar EFIS, without further amendment of the special conditions.

Electronic Flight Instrument System (EFIS)

The proposed cathode-ray tube (CRT) electronic display units will contain primary attitude, heading, and navigation cockpit displays. The cockpit instrument panel configuration would feature two displays, an EADI and an EHSI on the pilot side of the instrument panels. The copilot instrument panel will contain an independent electromechanical attitude indicator and independent EHSI. All other displays, i.e., airspeed, altitude, vertical speed, etc., will be conventional electromechanical instruments.

Emissive color on a CRT display will inevitably appear different than reflective colors on conventional electromechanical displays. Different intensities and color temperatures of ambient illumination will also affect the perceived colors. Therefore, display legibility must be adequate for all cockpit lighting conditions, including direct sunlight.

Features of this system are novel and unusual relative to the applicable airworthiness requirements. Current small airplane airworthiness requirements are based on "single-fault" or "fail-safe" concepts and, when promulgated, the FAA did not envision use of complex, safety-critical systems in small airplanes. The current small airplane requirements envisioned instruments that were single function; i.e., a failure would cause loss of only one instrument function, although several instrument functions may have been housed in a common case.

Flight instruments for the pilot are required to be grouped in front of the pilot so deviation from looking forward along the airplane flight path is minimized when the pilot shifts from viewing the flight path to viewing the flight instruments.

For instrument flight, the airplane must be equipped with the minimum flight instruments listed in the operating rules. This minimum listing of instruments includes all instruments that have long been accepted as the minimum for continued safe flight. Standby instruments for flight instruments are not required by the small airplane airworthiness requirements because the FAA has long accepted that the small airplane could be flown safely by using partial panel techniques following a single instrument failure. The basic airman certification

program for an instrument flight rules (IFR) rating has long included requirements for the pilot to demonstrate the ability to fly the airplane safely following failure of any one of the previously cited instruments.

The special condition will provide appropriate requirements for installation of electronic displays featuring design characteristics where a single malfunction or failure could affect more than one primary instrument, display, or system. The special condition would also provide requirements to assure adequate reliability of system design functions that are determined to be essential for continued safe flight and landing of the airplane.

For installations where electronic displays take the place of traditional instruments, the reliability must not be less than that of the traditional instruments. This concerns the collective reliability of the traditional instruments rather than the reliability of a single traditional instrument. For this reason, the special condition includes requirements needed for their certification.

The special condition will also require a detailed examination of each item of equipment/component of the electronic display system, and installation of the system, to determine if the airplane is dependent upon its function for continued safe flight and landing or if its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with these adverse operating conditions. Each component of the installation identified by such an examination as being critical to the safe operation of the airplane would be required to meet the proposed special condition.

The existing § 23.1309, which was incorporated into part 23 by amendment 23-14, dated December 20, 1973, has been used as a means of evaluating systems for those airplanes that include § 23.1309 in their type certification basis. The "no-single-fault" or "fail-safe" concept of § 23.1309, along with experience based on service-proven designs and good engineering judgment, have been used to successfully evaluate most airplane systems and equipment. The type certification basis for this airplane includes § 23.1309; however, the "single fault" concept does not provide an adequate means for determining and evaluating the effect of certain failure conditions which may exist in complex systems such as an EFIS installation. Therefore, the FAA considers it necessary to include the proposed additional system analysis requirements in the certification basis. This will also allow the use of the

"rational method" of safety analysis of the systems to assure a level of safety intended in the applicable requirements.

The development of rational methods for safety assessment of systems is based on the premise that an inverse relationship exists between the probability of a failure condition and its effect on the airplane. That is, the more serious the effect, the lower the probability must be that the related failure condition will occur. Rational methods for showing compliance for safety assessment of systems may be shown by the use of numerical analysis, but it is not mandatory. In many cases, adequate data is not available for preparing a stand-alone numerical analysis for showing compliance. Therefore, in small airplane certification, a rational analysis based on identification of failure modes and their consequences is frequently a more acceptable substantiation of compliance with the various required levels of system reliability than a numerical analysis alone.

If it is determined that the airplane includes systems that perform critical functions, it will be necessary to show that those systems meet more stringent requirements. These systems would be required to establish either that there will be no failures of that system or that a failure is extremely improbable. Critical functions means those functions whose failure would contribute to or cause a failure condition which would prevent the continued safe flight and landing of the airplane. This special condition provides reliability requirements that are based on the criticality of the system's function and provides the standards needed for certification of complex safety-critical systems being proposed for installation.

The special condition also requires that the occurrence of system(s) failures that would significantly reduce the airplane's capability or the ability of the crew to cope with adverse operating conditions, and thereby be potentially catastrophic, be improbable. It is recognized that any system(s) failure will reduce the airplane's or crew's capability by some degree, but that reduction may not be of the degree leading to potentially catastrophic results.

Protection of Systems From High Energy Radiated Electromagnetic Fields (HERF)

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of solid state components and digital

electronics, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the high energy radiated electromagnetic fields (HERF) incident on the external surface of aircraft. These induced transient currents and voltages can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the electromagnetic environment has undergone a transformation that was not envisioned when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the population of transmitters has increased significantly.

At present, aircraft certification requirements, as well as the industry standards for protection from the adverse effects of HERF, are inadequate in view of the aforementioned technological advances. In addition, some significant safety events have been reported of incidents and accidents involving military aircraft equipped with advanced electronic systems when they were exposed to electromagnetic radiation.

The combined effect of the technological advances in aircraft design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the aircraft. Effective measures against the effects of exposure to high energy radiated electromagnetic fields (HERF) must be provided by the design and installation of these systems. The primary factors that have contributed to this increased concern are: (1) The increasing use of sensitive electronics that perform critical functions; (2) the reduced electromagnetic shielding afforded airplane systems by advanced technology airframe materials; (3) the adverse service experience of military airplanes that use these technologies; and (4) the increase in the number and power of radio frequency emitters and expected future increases.

Cognizant of the need for aircraft certification standards to cope with the developments in technology and environment in 1986, the FAA initiated a high priority program (1) to determine and define the electromagnetic energy levels; (2) to develop and describe guidance material for design, test, and analysis; and (3) to prescribe and promulgate regulatory standards. The FAA sought and received the participation of international

airworthiness authorities and industry to develop internationally recognized standards for certification.

At this time, the FAA and other airworthiness authorities have established an agreed level of HERF environment that the airplane is expected to be exposed to in service. While the HERF requirements are being finalized, the FAA has adopted special conditions for the certification of aircraft that employ electrical and electronic systems that perform critical functions. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. This special condition requires that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HERF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HERF environment, defined below, or

FIELD STRENGTH VOLTS/METERS

Frequency	Peak	Average extra
10-500 KH _z	80	80
500-2000	80	80
2-30 MH _z	200	200
30-100	33	33
100-200	33	33
200-400	150	33
400-1000	8.3K	2K
1-2 GH _z	9K	1.5K
2-4	17K	1.2K
4-6	14.5K	800
6-8	4K	666
8-12	9K	2K
12-20	4K	509
20-40	4K	1K

(2) The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions withstand a peak of electromagnetic field strength of 100 volts per meter in a frequency range of 10 KH_z to 18 GH_z. When using a laboratory test to show compliance with the HERF requirements, no credit is

given for signal attenuation due to installation.

In view of the revised HERF envelope, the requirement for the fixed value test has been changed to 100 v/m from the previously used value of 200 v/m. The applicant opting for the fixed value laboratory test, in lieu of the HERF envelope, will be subject to post certification reassessment based on the finalized rule requirements. The applicants should be cautioned that choosing 100 v/m may make it difficult, under post certification reassessment requirements, to qualify the installations without design upgrade. If the system should not meet the post certification reassessment requirements, additional protection provisions and/or testing may be required.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the aircraft. The systems that perform critical functions, as identified by the hazard analysis, are candidates for the application of HERF requirements. The primary electronic flight display and the full authority digital engine control (FADEC) systems are examples of systems that perform critical functions. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HERF requirements only apply to critical functions.

Compliance with HERF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or a combination thereof. Service experience alone is not acceptable since such experience in normal flight operations may not include an exposure to the HERF environmental condition. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HERF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

The modulation should be selected as the signal most likely to disrupt the operation of the system under test, based on its design characteristics. For example, flight control systems may be susceptible to 3 Hz square wave modulation while the video signals for electronic display systems may be susceptible to 400 Hz sinusoidal

modulation. If the worst case modulation is unknown or cannot be determined, default modulations may be used. Suggested default values are a 1 KH_z sine wave with 80% depth of modulation in the frequency range from 10 KH_z to 400 MHz and 1 KH_z square wave with greater than 90% depth of modulation from 400 MHz to 18 GH_z. For frequencies where the unmodulated signal caused deviations from normal operation, several different modulating signals with various waveforms and frequencies should be applied.

Acceptable system performance is attained by demonstrating that the system under consideration continues to perform its intended function during and after exposure to required electromagnetic fields. Deviations from system specification may be acceptable and will need to be independently assessed for each application for approval by the FAA.

Protection of EFIS From Indirect Effect of Lightning

Concern for the vulnerability of airplane electronic systems to the effects of lightning has increased substantially over the past few years due to the use of solid-state components and digital electronics in airplane systems that are susceptible to transient effects of induced electrical current and voltage caused by either a direct lightning strike to the airplane or by the electric fields created by a nearby lightning flash. These induced transient currents and voltages can degrade electronic system performance by damaging components or upsetting system functions.

The applicable regulations include standards for protection from lightning damage to the structure of the airplane (§ 23.867) and from lightning ignition of fuel vapor (§ 23.954). However, these standards do not provide the level of safety for the EFIS that is inherently provided by traditional mechanical or electromechanical displays providing similar information to the flight crew.

The advent of an advanced electronic system in airplane designs requires additional consideration be given to protect these systems from the indirect effects of lightning. Increased dependence on electronic equipment for safe operation of an airplane makes adequate protection of that equipment a primary requirement.

The Society of Automotive Engineers (SAE) and the Radio Technical Commission for Aeronautics (RTCA) has developed acceptable methods and procedures for determining compliance with these special conditions. They are

as follows: SAE AE4L Committee Report AE4L-87-3, REV B, "Protection of Aircraft Electrical/Electronic System Against the Indirect Effects of Lightning", dated October 1989, and RTCA DO-160B, Section 22, "Lightning Induced Transient Susceptibility", dated March 8, 1988. SAE Report AE4L-87-3, REV B provides procedures to verify the protection of systems installed in an aircraft, while Section 22 of RTCA DO-160B, provides methods to qualify equipment prior to installed in an aircraft.

Conclusion

In review of the design features discussed for the installation in the Piaggio Model P-180 series airplane, the following special conditions are issued to provide a level of safety equivalent to that intended by the referenced regulations. This action is not a rule of general applicability and affects only the model/series of airplanes identified in these special conditions.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances (54 FR 4317; October 25, 1989), (54 FR 41955; October 13, 1989), (53 FR 14782; April 26, 1988), and (51 FR 37711; October 24, 1986). Also, special conditions with similar requirements have been promulgated without public procedures because the FAA has determined that good cause existed for immediate adoption (55 FR 3; January 4, 1990) and (54 FR 242; December 19, 1989). For this reason, and because a delay would significantly affect the applicant's installation of the system and the certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without further notice. Therefore, special conditions are being issued without substantive change for this airplane and made effective 30 days from the date of publication.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator of the Federal Aviation Administration, the

following special conditions are issued as part of the type certification basis for the Piaggio Model P-180 series airplanes:

1. *Electronic Flight Instrument Displays.* In addition to, and in lieu of, the applicable requirements of part 23 of the FAR and requirements to the contrary, for instruments, systems, and installations whose design incorporates electronic displays that feature design characteristics where a single malfunction or failure could affect more than one primary instrument display or system, and/or system design functions that are determined to be essential for continued safe flight and landing of the airplane, the following special condition applies:

(a) Systems and associated components must be examined separately and in relation to other airplane systems to determine whether the airplane is dependent upon its function for continued safe flight and landing and whether its failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions. Each system and each component identified by this examination upon which the airplane is dependent for proper functioning to ensure continued safe flight and landing, or whose failure would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, must be designed and examined to comply with the following requirements:

(1) It must be shown that there will be no single failure or probable combination of failures under any foreseeable operating condition that would prevent the continued safe flight and landing of the airplane, or it must be shown that such failures are extremely improbable.

(2) It must be shown that there will be no single failure or probable combination of failures under any foreseeable operating condition that would significantly reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, or it must be shown that such failures are improbable.

(3) Warning information must be provided to alert the crew to unsafe system operating conditions and to enable them to take appropriate corrective action. Systems, controls, and associated monitoring and warning means must be designed to minimize initiation of crew action that would create additional hazards.

(4) Compliance with the requirements of this special condition may be shown by analysis and, where necessary, by

appropriate ground, flight, or simulator tests. The analysis must consider:

(i) Modes of failure, including malfunction and damage from foreseeable sources;

(ii) The probability of multiple failures, and undetected faults;

(iii) The resulting effects on the airplane and occupants, considering the state of flight and operating conditions; and

(iv) The crew warning cues, corrective action required, and the capability of detecting faults.

(5) Numerical analysis may be used to support the engineering examination.

(b) Electronic display indicators, including those incorporating more than one function, may be installed in lieu of mechanical or electromechanical instruments if:

(1) The electronic display indicators:

(i) Are easily legible under all lighting conditions encountered in the cockpit, including direct sunlight;

(ii) In any normal mode of operation, do not inhibit the primary display of attitude; and

(iii) Incorporate sensory cues for the pilot that are equivalent to those in the instrument being replaced by the electronic display units.

(2) The electronic display indicators, including their systems and installations, must be designed so that one display of information essential to safety and successful completion of the flight will remain available to the pilot, without need for immediate action by any crewmember for continued safe operation, after any single failure or probable combination of failures that is not shown to comply with paragraph (a)(1) of this section.

2. *Protection of Electronic Flight Instrument Systems From Indirect Effects of Lightning and High Energy Radiated Electromagnetic Fields (HERF).* (a) Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the airplane is exposed to: (1) lightning and (2) high energy radiated electromagnetic fields external to the airplane.

(b) Each essential function of the system must be protected to ensure that the essential function can be recovered after the airplane has been exposed to lightning.

(c) For the purposes of the above, the following definitions apply:

(1) Critical Functions. Functions whose failure would contribute to or cause a failure condition that would

prevent the continued safe flight and landing of the airplane.

(2) Essential Functions. Functions whose failure would contribute to or would cause a hazardous failure condition that would significantly impact the safety of the airplane or the ability of the flight crew to cope with adverse operating conditions.

Issued in Kansas City, Missouri on March 22, 1990.

Don C. Jacobsen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FIR Doc. 90-7567 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-ASW-53; Amdt. 39-6562]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS 350 and AS 355 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting an airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain SNIAS helicopters by individual letters. The AD requires inspection for play or binding of the bearing; measurement of the swashplate rotational torque; and inspections for proper assembly and lubrication of the bearing. The AD is needed to prevent failure of the main rotor (M/R) swashplate bearing which could result in the loss of helicopter control.

EFFECTIVE DATE: May 3, 1990, as to all persons except those persons to whom it was made immediately effective by Priority Letter AD 89-21-01, issued October 6, 1989, which contained this amendment.

Compliance: Required as indicated in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service bulletins may be obtained from: Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, or may be examined in the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, room 158, Building 3B, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Samuel E. Brodie, Aerospace Engineer, ASW-112, Federal Aviation Administration, Southwest Region, Fort

Worth, Texas 76193-0112; telephone (817) 624-5116.

SUPPLEMENTARY INFORMATION: On October 6, 1989, Priority Letter AD 89-21-01 was issued and made effective immediately as to all known U.S. owners and operators of certain SNIAS Model AS 350 and AS 355 series helicopters. The AD requires inspection for play or binding of the bearing; measurement of the swashplate rotational torque; and inspections for proper assembly and lubrication of the bearing. AD action is necessary to prevent failure of the M/R swashplate bearing which could result in the loss of the helicopter.

The AD has been revised to include two additional part or dash numbers for the "composite cage" bearing; the FAA believes that this revision will affect approximately six to twelve operators not affected by the priority letter AD. In addition, the reporting requirement in the priority letter AD provided adequate information for assessing the extent of the service difficulty, is no longer needed, and has been deleted.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued October 6, 1989, to all known U.S. owners and operators of certain SNIAS Model AS 350 and AS 355 series helicopters. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of part 39 of the FAR to make it effective as to all persons. Even though a change was made to include additional bearings, notice and public procedure are contrary to the public interest and good cause exists to make this change effective within 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct

an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Regional Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

Part 39—[Amended]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to AS 350 and AS 355 series helicopters, all serial numbers, containing M/R swashbearing assemblies, Part Number P/N 704A33 651.126 (bronze cage), or P/N 704A33 651.009-.051, or 080 (composite cage), certificated in any category. (Docket No. 89-ASW-53).

Compliance is required as indicated, unless already accomplished.

To prevent failure of the M/R swashplate bearing, and possible loss of the helicopter, accomplish the following:

(a) Within the next 10 hours' time in service after receipt of this AD, inspect the bearing for play or binding; measure the swashplate rotational torque; inspect for proper assembly of the bearing; and inspect for proper lubrication, in accordance with the following:

(1) Check for play and hard points (ref. paragraph 5.2.b of Aerospatiale MET Work Card 62.30.00.601).

(2) Check the star bearing rotational torque as follows:

(i) Rotate the star manually approximately 10 times.

(ii) Using a spring scale hooked onto the pitch change rod attachment point, check that the load "C" (see Appendix 1 figure 1) required to rotate the star is equal to or less than 2.5 daN.

(iii) If "C" is greater than 2.5 daN, replace the bearings before further flight.

(3) Check that the bearing is correctly installed as follows:

(i) Remove the bolts and nuts while retaining the deflector or baffles (see Appendix 1 figure 1) and stops.

(ii) Move the deflector or baffles, the bearing inside stop, and the outside stop upwards.

(iii) Check that the plates that immobilize the bearing inner and outer races are seated correctly against the upper faces of the stationary and rotating stars.

(iv) Check that the dimension "L" (see Appendix 1 figure 1) bearing inner race protrusion is above the star upper face and is equal to or less than 2.5 mm. If "L" is greater than 2.5 mm, replace the bearing before further flight.

(4) Check the bearing grease as follows:

(i) Install inner bolts to prevent grease from egressing through bolt holes and inject grease through the greasing nipple located beneath the stationary star, until the grease comes out.

(ii) Repeat the greasing operation three times, turning the star through 180 degrees between each operation.

(iii) Recover the grease evacuated and visually check to see that it does not contain bronze particles (bearing P/N 704A33 651.126) or composite material particles (for bearing P/N's 704A33 651.009-051 or 080). A blackish coloring of the grease is acceptable.

(iv) If bronze or composite material particles are found, replace the bearing before further flight.

(b) Repeat the inspections of paragraphs (a) (2) and (3) of this AD after each replacement of the swashplate bearing.

(c) Within every 100 hours' additional time in service after compliance with the requirements of paragraph (a) of this AD, repeat the lubrication requirements of paragraph (a)(4) of this AD.

(d) Within the next 400 hours' total time in service from the effective date of this AD, plug the nonrotating swashplate vent holes and barrel nut orifices in accordance with the following:

(1) Remove the main rotor mast (ref. MET Work Card No. 62.30.00.401).

(2) Remove and disassemble the swashplate (ref. MRR Work Card No. 62.30.00.702, Replacement of Swashplate Bearings).

(3) On the nonrotating swashplate—

(i) Blank off the vent holes opposite the nonrotating scissors yoke (see Appendix 1 figure 1A) with "DEVCON F" (as directed in the instructions provided with this product);

(ii) Blank off the bushing holes using "DEVCON F" (same procedure); and

(iii) Clean the areas to be coated with "DEVCON F" thoroughly with Trichlorethylene, making sure all traces of grease are removed.

(4) Assemble the swashplates (ref. MRR Work Card No. 62.30.00.702).

(5) Grease the bearing (ref MET Work Card No. 12.00.00.305).

(6) Assemble the rotor mast (ref. Work Card No. 62.30.00.401).

(e) In accordance with FAR §§ 21.197 and 21.199, the helicopter may be flown to a base where the inspections required by the AD may be accomplished.

(f) An alternate method of compliance with this AD, which provides an equivalent level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, ASW 110, Federal Aviation Administration, Southwest Region, Fort Worth, Texas 76193-0110

This amendment becomes effective May 3, 1990, as to all persons except those persons to whom it was made immediately effective by Priority Letter AD 89-21-01, issued October 6, 1989, which contained this amendment.

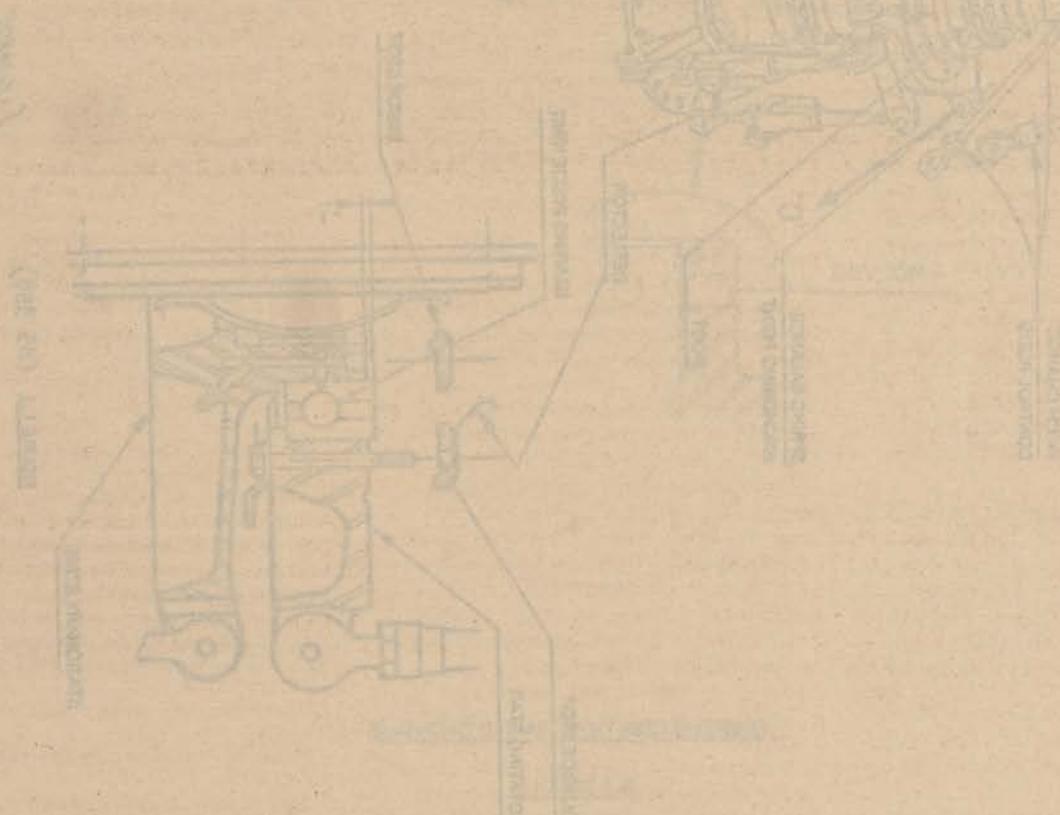
Issued in Fort Worth, Texas, on March 21, 1990.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

Appendix 1

BILLING CODE 4910-13-M



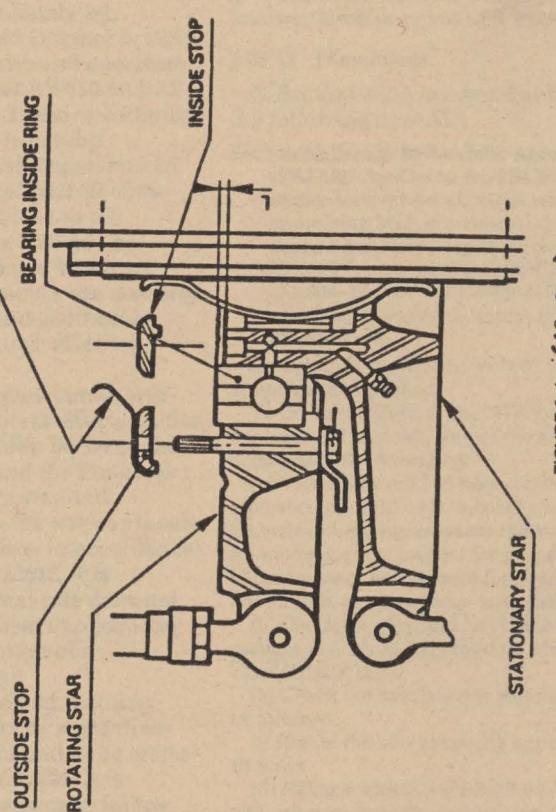
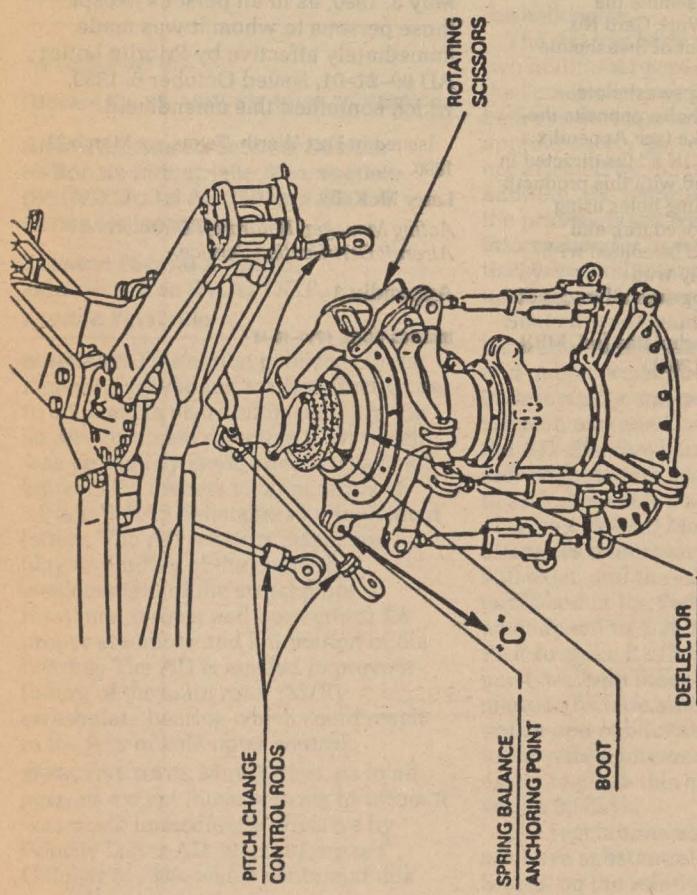


FIGURE L.1 (AS 350)

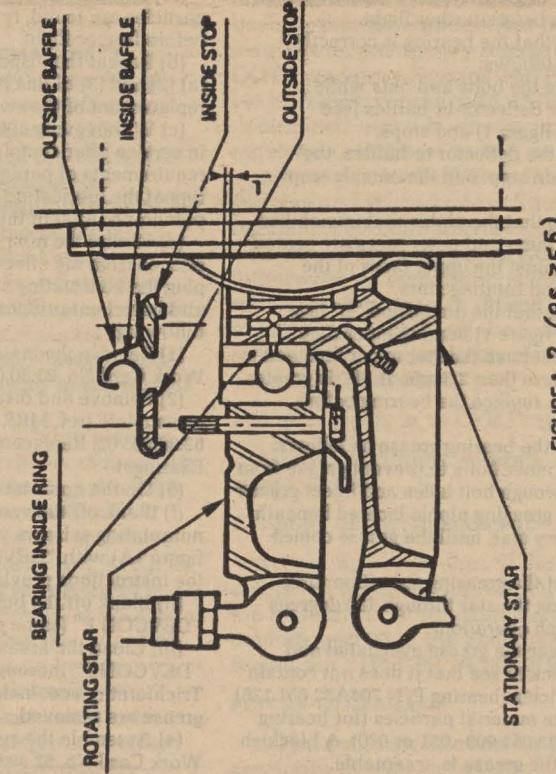
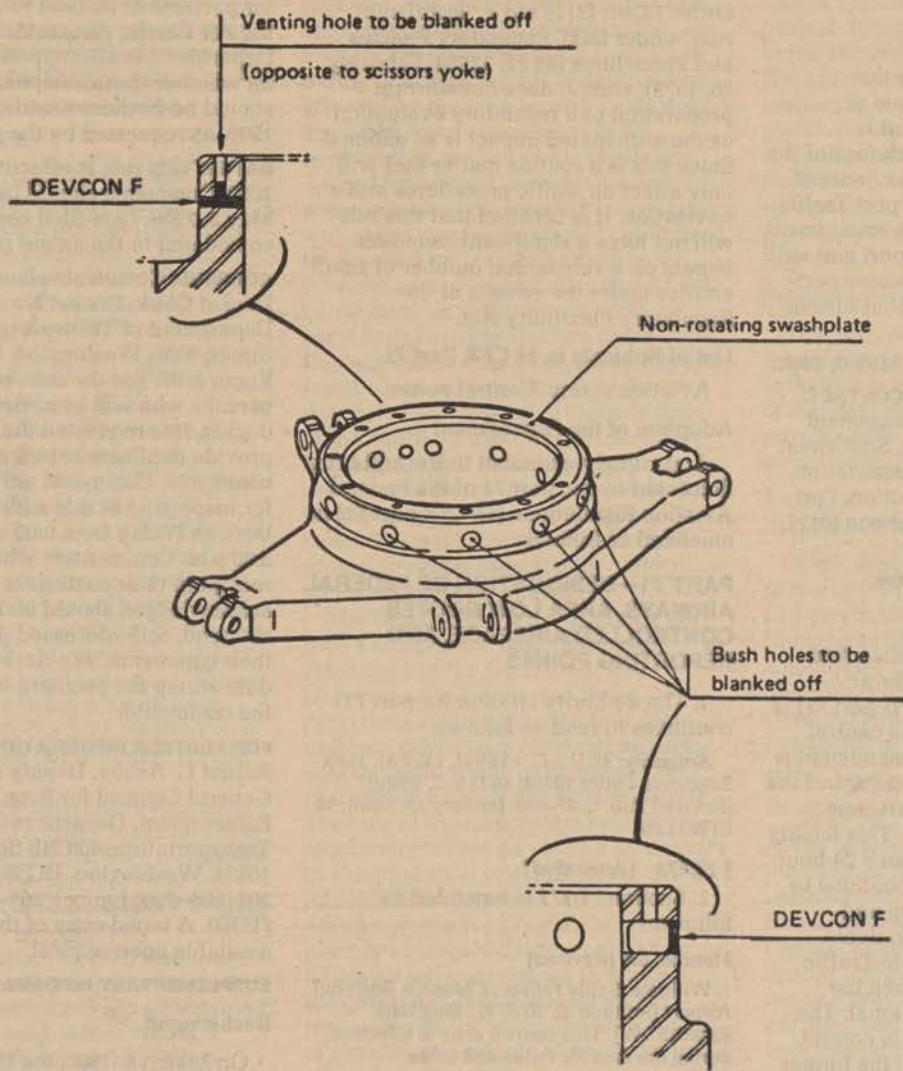


FIGURE L.2 (AS 352)

FIGURE 1

**BLANKING OFF AIR VENT AND BUSHING****FIGURE 1A**

14 CFR Part 71

[Airspace Docket No. 89-ASW-56]

Revision of Control Zone: Monroe, LA**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This action alters the description of the control zone at Monroe, LA. This amendment is necessary due to the name change of the airport and a reduction in the hours of operation of the Monroe Airport Traffic Control Tower (ATCT). This amendment corrects the name of the airport and will allow the control zone to become part-time, if the need arises, without further rule making action.

EFFECTIVE DATE: 0901 u.t.c., May 3, 1990.**FOR FURTHER INFORMATION CONTACT:**

Bruce C. Beard, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:**The Rule**

The purpose of this amendment to § 71.171 of part 71 of the Federal Aviation Regulations (14 CFR part 71) is to alter the description of the control zone at Monroe, LA. This amendment is necessary due to the name change of the airport and the change to part-time status of the Monroe ATCT. This facility has been reduced to less than a 24-hour status; however, there will continue to be 24-hour weather reporting and communications services available through Fort Worth Air Route Traffic Control Center (ARTCC) when the Monroe ATCT is not operational. The effect of this amendment is to correct the name of the airport from the former name of Selman Field to Monroe Regional Airport; to correct the coordinates of the Monroe Regional Airport; and to allow the control zone to become part-time, if the need arises in the future, without requiring additional rule making action. This action does not require a charting change, and the current airspace configuration will remain the same. Section 71.171 of part 71 was republished in FAA Handbook 7400.6F, January 2, 1990.

Since this amendment is corrective in nature only and imposes no additional burden on any person, notice and public procedure herein under 5 U.S.C. 553(b) are unnecessary, and the amendment may be made effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Monroe, LA [Revised]

Within a 5-mile radius of Monroe Regional Airport (latitude 32°30'3" N., longitude 92°02'15" W). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory. Issued in Fort Worth, TX, on March 18, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-7569 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 382

[Docket 46872; Amdt. 382-4]

Nondiscrimination on the Basis of Handicap in Air Travel**AGENCY:** Department of Transportation, Office of the Secretary.**ACTION:** Final rule; request for comments.

SUMMARY: In response to petitions from the Air Transport Association and other airline industry parties, the Department is establishing a new compliance date for portions of its final rule to implement the Air Carrier Access Act (ACAA). The Department is also requesting comment on whether these compliance dates should be further extended to October 5, 1990, as requested by the petitioners.

DATES: This rule is effective April 2, 1990. Comments should be received by May 3, 1990. Late-filed comments will be considered to the extent practicable.

ADDRESS: Comments should be sent to Docket Clerk, Docket No. 46872, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, Room 4107. For the convenience of persons who will be reviewing the docket, it is requested that commenters provide duplicate copies of their comments. Comments will be available for inspection at this address Monday through Friday from 9:00 a.m. through 5:30 p.m. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date-stamp the postcard and mail it to the commenter.

FOR FURTHER INFORMATION CONTACT:

Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th St., SW., Room 10424, Washington, DC 20590. Telephone 202-366-9306 (voice); 202-755-7687 (TDD). A taped copy of the rule is available upon request.

SUPPLEMENTARY INFORMATION:**Background**

On March 6, 1990, the Department published its final rule to implement the Air Carrier Access Act of 1986 (55 FR 8008). The rule, 14 CFR part 382, includes a variety of requirements to ensure nondiscrimination on the basis of handicap in air travel and to ensure that carriers provide adequate accommodations for disabled passengers. All provisions of the rule were made effective April 5, 1990.

The ATA Petition

The Air Transport Association (ATA), a trade association of major air carriers, filed a petition March 21, 1990, requesting that the Department set a compliance date of October 5, 1990, for part 382 (i.e., 180 days after the effective date of the rule). ATA argues that the

necessity of training its employees to comply with the rule, plus the need to establish administrative systems and obtain needed supplies and equipment, make it impracticable for carriers to comply with the rule on its effective date. A copy of the ATA petition has been placed in the docket for this rulemaking. Following the submission of the petition, DOT sought and obtained from the ATA clarification of the concerns on which it was based.

Other Submissions

An organization of smaller air carriers, the National Air Carrier Association, filed a brief petition supporting the ATA petition. The Regional Airline Association (RAA), a trade association of commuter air carriers, and Skywest Airlines filed comments supporting the ATA petition. Southwest Airlines filed a petition asking for an October 5, 1990, compliance date for the provision requiring carriage of wheelchair batteries requiring hazardous materials packaging. Southwest asserts that it needs the additional time for training of its personnel since the carrier has not previously provided transportation for anything requiring hazardous materials packaging. In the alternative, Southwest asked for an exemption on this subject. Skywest made a similar request. These submissions are being considered in conjunction with the ATA petition, and have been placed in the docket for this rulemaking.

The Paralyzed Veterans of America (PVA), on behalf of itself and four other disability organizations, filed comments opposing the ATA petition. PVA contends that it is unreasonable to delay implementation of regulatory requirements which already had taken a long time for the Department to issue. Delay would work hardship on disabled travelers, PVA said, which would outweigh any difficulties to carriers caused by having to comply with the rules on April 5. PVA argued that it would be inappropriate to extend for six months a period in which disabled passengers had a right without a remedy.

DOT Response

The Department believes that the ATA petition may have merit, at least in part. That is, some provisions of the rule may, in the Department's judgment, reasonably take carriers additional time, beyond April 5, to implement because of the need to train personnel to comply with new or unfamiliar requirements, develop or change administrative systems, and/or acquire equipment or supplies.

For provisions of the rule in this category, the Department will, at this time, establish a compliance date of June 4, 1990 (60 days beyond April 5). During the period between April 5 and June 4, compliance with the designated provisions is fully authorized but is not required. The Department will not take enforcement action with respect to matters arising under these provisions during this time period. The provisions affected by the June 4 compliance date are listed in an amendment to the applicability section of the regulation.

The Department, through this notice, seeks comment on whether compliance with these provisions should continue to be required on June 4 or whether, as ATA requested, compliance should not be required until October 5, 1990, or some time between the two dates. The Department has not been asked for, and is not contemplating, any compliance date for any provision of the rule later than October 5, 1990. The Department emphasizes that each regulatory provision is being viewed individually for this purpose. We request that commenters address each individual provision rather than simply addressing all provisions generically.

The Department is not applying the June 4 compliance date to the other provisions of the regulation. The Department has reviewed these provisions and determined that they involve prohibitions on discriminatory conduct from which carriers may be reasonably expected to refrain even in advance of the completion of training, requirements that do not call on carriers to establish new or significantly change administrative systems, matters on which compliance timetables are already established in the regulation, administrative provisions to which a compliance date is not relevant, or requirements for which the acquisition of significant amounts of new supplies or equipment does not appear necessary. Postponing the requirement to comply with these provisions beyond April 5 could unnecessarily permit continuance of practices which the rule is intended to change, and could result in the adverse effects outlined by PVA's comment.

Nevertheless, the Department is aware that, during the period before the completion of employee training, carriers, even though operating in good faith under the rule, may make mistakes in the application of the provisions with which compliance is going forward on April 5. In considering any complaints brought to our attention for possible enforcement action in the period before training is complete, the Department

intends to take into consideration such factors as the good faith shown by the carrier in its dealings with the passenger; the efforts being made by the carrier with respect to training, updating procedures, acquiring equipment etc.; and the degree to which the particular carrier personnel involved had been trained. It is the Department's intention to use the enforcement process during this period as a means of assisting carriers to comply, rather than in a punitive way. As stated in the preamble to the final rule, this does not mean that the Department will tolerate intentional, egregious, or bad faith violations of passengers' rights under the rule, however.

Section-by-Section Analysis

This portion of the preamble discusses the Department's reasons for either including or not including each provision of the final regulation among those provisions to which the June 4 compliance date applies.

Sections 382.1 Purpose, 382.3 Applicability, and 382.5 Definitions

These are all administrative sections of the rule which do not involve any changes in carrier operations. Consequently, application of the June 4 compliance date is unnecessary. The list of sections affected by the June 4 deadline will be added to the applicability section, however.

Section 382.7 General Prohibition of Discrimination

The obligation not to discriminate on the basis of handicap is basic to implementing the ACAA. Under the former part 382, in effect since 1982, carriers have been subject to a very similar obligation. This section spells out two implications of this obligation not specified in the former rule: not insisting on providing unwanted special services and not taking adverse action against persons for asserting rights under the rule or the ACAA. Neither of these is difficult to understand or implement. All that is required is that carrier personnel not treat handicapped passengers in ways other passengers are not treated. In the Department's judgment, it is fair and reasonable that carriers comply with these provisions from the outset.

The only exception to this judgment is paragraph (b), which may impose on some indirect air carriers obligations with respect to services like those provided by direct air carriers. Since indirect air carriers may need additional time to identify those functions which could be subject to requirements under

the rule and to take steps to comply, the Department will apply the June 4 compliance date to this paragraph.

Section 382.9 Assurances from Contractors

Carriers may well need additional time, beyond April 5, to complete the process of identifying contracts subject to this provision and negotiating appropriate contract language with contractors. Therefore, the June 4 compliance date will apply. The Department expects carriers to begin working to achieve compliance immediately, however.

Section 382.21 Aircraft Accessibility

Paragraphs (a), (b) and (d) of this section already have built-in compliance dates (e.g., accessibility features are required on aircraft ordered after the effective date of the rule or delivered within two years of the effective date). It is, therefore, unnecessary to apply the June 4 compliance date to these provisions. Paragraphs (e) and (f) prohibit reductions in existing accessibility and require maintaining accessibility features properly. Neither provision necessitates additional training, equipment, or procedures. The June 4 compliance date need not apply to these paragraphs.

Paragraph (c) requires accessibility features to be included as aircraft are refurbished. For example, if newly manufactured seats are installed in an existing aircraft to replace the old seats, then half of them must have movable armrests. It is reasonable to suppose that, in the short term, manufacturers may be unable to timely fill orders for movable armrests or other accessibility equipment. Consequently, the Department will apply the June 4 compliance date to paragraph (c).

The Senate version of the Americans with Disabilities Act bill (S. 933) contains a provision excusing transit providers from buying accessible buses if they can demonstrate that they issued a solicitation calling for accessible buses, that bus lifts were unavailable from manufacturers, that the transit provider made good faith efforts to locate a manufacturer to supply the lifts in a timely fashion, and that delaying the bus purchase to obtain the lifts would significantly impair transportation services in the community. The Department seeks comment on whether an analogous provision ought to apply to paragraph (c) or other provisions of the rule involving the acquisition of equipment if compliance dates are extended beyond June 4. The effect of including such a provision would be to require

compliance except where the carrier made the requisite demonstration.

Section 382.23 Airport Facilities

These requirements apply to facilities as they are constructed or altered and require modifications to existing facilities over a three-year period. Since a sufficient compliance period is already built into this section, application of the June 4 compliance date is unnecessary.

Section 382.31 Refusal of Transportation

Paragraphs (a)-(c) guarantee the most fundamental right protected by the ACAA, the provision of air transportation. The provisions are straightforward and easy to understand. Carriers shall not deny transportation on the basis of handicap; carriers shall not deny transportation because a person's disability results in appearance or involuntary behavior that may offend, annoy or inconvenience others; carriers shall not deny transportation by imposing number limits. Personnel should not need extensive training to know that they cannot keep a disabled passenger off a flight unless, under the authority of section 1111 of the Federal Aviation Act, under which carriers have operated for many years, they conclude that carrying the passenger would or might be inimical to the safety of the flight (see paragraph (d), which also cites other authority available to carriers for denials of transportation). It is both unnecessary, and contrary to achieving the purpose of the regulation, to postpone compliance with these paragraphs.

Paragraph (e) requires a written explanation for a refusal to provide transportation. Carriers may have to set up an additional administrative mechanism to ensure that these letters of explanation are drafted and sent in a timely fashion. For this reason, the June 4 compliance date will apply to this paragraph.

Section 382.33 Advance Notice Requirements

Paragraph (a) prohibits advance notice requirements for receiving transportation or services, except as paragraph (b) permits. Paragraph (b) lists eight accommodations for which carriers may require up to 48 hours' advance notice. (It should be noted that these provisions do not independently require any services to be provided; they simply state that carriers can require advance notice for providing them.) The structure of these paragraphs parallels that of the 1982 version of part 382 (see former § 382.15(c)). In its comments to the ACAA rulemaking, ATA made a

point of saying that advance notice requirements are useful and that carriers worked effectively with them. Operating under the new regulation would not seem to present a markedly different situation to carriers, requiring significantly new or different training or administrative systems. These two paragraphs will not be subject to the June 4 compliance date. The same point applies to paragraphs (c) and (e), which require, respectively, that carriers provide services if they can reasonably do so, even in the absence of notice, and that carriers provide services when the notice is provided.

Paragraphs (d) and (f), however, may require the creation of new or different administrative procedures within a carrier or among carriers. To permit time for these systems to be developed, the Department will apply the June 4 compliance date.

Section 382.35 Attendants

The right of persons with disabilities to travel independently is one of the most important protected by the ACAA. The ability of carriers to ensure the safety of passengers in an evacuation is likewise of prime importance. Taken together, paragraphs (a) and (b) are intended to achieve both these objectives. Carriers may not require persons to travel with an attendant for reasons other than safety necessity; where safety necessity can reasonably be said to exist, per the criteria in paragraph (b), carriers should be able to require an attendant.

The Department is aware that decisions about whether to require an attendant inevitably involve an exercise of judgment by carrier personnel, and that this judgment will be exercised in a more informed way after employees receive training. Nevertheless, it would be contrary to the intent of the ACAA to assert that, prior to the completion of training, carriers should exercise unbridled discretion to require attendants.

For this reason, the Department will not apply the June 4 compliance date to paragraph (a), which prohibits the requirement of an attendant except in the circumstances cited in paragraph (b). Paragraph (b) mentions four such circumstances. Paragraph (b)(1) concerns persons traveling in a stretcher or incubator; this is an obviously easy standard to implement. Postponement of compliance should not be necessary. Paragraph (b)(4) incorporates the standard, for deaf/blind persons, articulated over two years ago in the Department's "Southwest Airlines" enforcement proceeding. Since carriers

have had since November 1987 to conform their procedures to this ruling, postponement of compliance should not be necessary.

The other two circumstances are more problematical. Paragraph (b)(2) involves persons with a mental disability who cannot comprehend or respond appropriately to safety-related instructions. Paragraph (b)(3) concerns persons with mobility impairments so severe that the persons are unable to assist in their own evacuation. Both of these criteria may call on airlines to establish implementation procedures or criteria that do not now exist, and training of personnel is likely to be necessary to ensure that personnel make these judgments properly.

For both these paragraphs, the June 4 compliance date will apply. The Department intends that, between April 5 and June 4, carriers be held to a good faith standard in implementing these two paragraphs. That is, carriers may require persons with mental disabilities or mobility impairments to have attendants if the carriers reasonably believe that carrying these individuals without an attendant would present a significant safety risk with respect to an emergency evacuation, even if the decisions do not precisely conform to the language of paragraphs (b) (2) and (3). It should be noted that this standard is not intended to permit carriers to require attendants for purposes unrelated to safety (e.g., a concern that a wheelchair user may need to use an inaccessible lavatory). Paragraph (c) will continue to apply to decisions about attendants for persons with mental disabilities or mobility impairments.

Paragraph (c) requires that if a carrier insists on a person traveling with an attendant for safety reasons, contrary to the person's self-assessment, the carrier not charge for the transportation of the attendant. This provision is an important safeguard for disabled passengers against arbitrary carrier decisions and the adverse economic impact of having to travel with an attendant required by a carrier. For this reason, the Department has decided not to apply the June 4 date to this provision.

Paragraphs (d) and (e) concern administrative aspects of attendant situations on full flights. Carriers may need to develop new administrative procedures to implement these provisions smoothly (e.g., concerning who is bumped from a full flight, when denied boarding compensation is payable). The Department will apply the June 4 compliance date to these provisions.

Section 382.37 Seat Assignments

Paragraph (a) states a basic nondiscrimination requirement. All that is required for implementation is that carrier personnel refrain imposing requirements on handicapped passengers that are not imposed on other passengers with respect to seat assignments. (Consistent with FAA's exit row seating rule, carriers will implement their own procedures concerning exit row seating until the compliance date for the FAA rule.) It is not necessary to apply the June 4 compliance date.

Paragraphs (b) and (c) concern special seating arrangements for persons whose behavioral manifestations of a disability or whose service animal makes it impossible for them to sit in a particular seat location. These provisions are likely to require the development of new administrative procedures and training, and the June 4 compliance date will apply to these provisions.

Section 382.39 Provision of Services and Equipment

Paragraph (a) concerns boarding assistance. The first sentence of this paragraph establishes a general requirement for boarding assistance. The June 4 compliance date will not apply to this sentence, since the general obligation to help handicapped persons get onto aircraft is fundamental to providing access to air transportation and the provision of boarding assistance for disabled persons has long been a part of regular airline operations. The second sentence of the paragraph, concerning the responsibility of the delivering carrier to provide transportation between gates, is likely to require some new administrative procedures, and the June 4 compliance date will apply to it.

Paragraphs (a)(1) and (a)(2) require the use of certain kinds of equipment (e.g., boarding chairs and lifts) and the assistance of personnel in boarding. Some carriers, at some stations, may not now have the necessary equipment. For this reason, the Department will apply the June 4 compliance date to these paragraphs, with respect only to the procurement of necessary equipment. That is, the services of personnel and the use of existing equipment is required as of April 5. The Department expects that carriers will begin immediate, expedited action to obtain needed equipment which they now lack. Carriers commenting that the compliance date should be extended further for this paragraph should include information on their specific procurement timetables for these items.

Paragraph (a)(3) prohibits carriers from leaving a wheelchair user unattended in a chair that does not permit independent mobility for more than 30 minutes. This provision may well require training and new administrative procedures before it can be implemented, and the June 4 compliance date will apply. Paragraph (a)(4) permits carriers not to hand-carry disabled passengers on board small aircraft if other means are not available. It is not necessary to apply the June 4 date, since this provision does not impose a requirement on carriers that they must implement.

Paragraphs (b) (1), (2), and (5) concern routine services that carrier personnel have long performed. Helping a passenger into a seat, with opening food packages, or with retrieving carry-on items does not require significant additional training or administrative support, and the June 4 compliance date need not apply. The same is true for paragraph (c), which, like its predecessor in the 1982 version of part 382, lists certain services which carrier personnel need not perform.

Paragraphs (b) (3) and (4), concerning use of on-board wheelchairs and assisting semiambulatory persons, are new requirements which may require additional training to implement properly. The June 4 compliance date will apply.

Section 382.41 Stowage of Personal Equipment

Paragraphs (a), (b), (c) and (e) (1) and (3) essentially reiterate applications of existing FAA regulations governing carry-on items. It is not necessary to apply the June 4 compliance date to them. Paragraph (d) instructs carriers not to count assistive devices toward their limit on carry-on items. This provision may require amending existing procedures for implementing carry-on baggage programs, and it is reasonable to apply the June 4 compliance date.

Paragraph (e)(2) requires carriers to allow the stowage of a folding wheelchair in a coat closet or other appropriate on-board storage area, if such an area exists on the aircraft. ATA contends that certain modifications may need to be made to these areas (e.g., something to secure a wheelchair in the coat closet). Their point is reasonable. In addition, development of new administrative procedures may be needed to handle the priority system required by this paragraph. The June 4 compliance date will apply to this paragraph.

Paragraph (f) includes several provisions concerning the stowage and

return of wheelchairs and other assistive devices. The requirements include return of items to the gate, stowage in a position to permit quick retrieval, and priority stowage over other luggage (and making efforts to expedite baggage bumped as a result). Taken together, these provisions may well require new logistical procedures, perhaps of some complexity. For this reason, the June 4 compliance date will apply.

Paragraph (g) concerns transportation of electric wheelchairs which use batteries subject to DOT hazardous materials regulations. The first sentence of the paragraph requires acceptance of the wheelchairs and batteries, consistent with DOT hazardous materials rules. Paragraph (g)(2) requires transportation of battery-powered wheelchairs in an upright position, where feasible, and paragraph (g)(3) requires carriers to provide battery packages and package the batteries.

Because paragraph (g)(3) requires carriers to obtain a sufficient number of battery packages, it is reasonable to apply the June 4 compliance date to this paragraph, with respect only to the obtaining of packaging materials. Carriers would have to provide packaging services where packages were present. The other requirements of paragraphs (g)(1)–(g)(3) are, for most carriers, sufficiently similar to existing practice and the requirements of the 1982 version of part 382 (see former § 382.14 (c) and (d)) as not to necessitate application of the June 4 compliance date. The requirement of paragraph (g)(4) is a common sense mandate that carriers not drain batteries; the June 4 compliance date is not necessary for it. Paragraph (g)(5)'s requirement that handicapped passengers be permitted to provide written instructions for wheelchair assembly and disassembly may require new administrative procedures, at least if the instructions are to get to the people who are doing the work. The June 4 compliance date will apply to this paragraph.

Two carriers, Southwest Airlines and Skywest Airlines, petitioned for an extended compliance period for or a temporary exemption from all of paragraph (g). These airlines currently do not carry any hazardous materials and need not only to purchase battery packages, but also train personnel and add equipment to baggage compartments before they can comply with this paragraph. The training requirement is particularly important because, until FAA training requirements are met, the airlines could

not carry hazardous materials consistent with FAA safety regulations.

The Department believes that these petitions have merit, and the rule will apply the June 4 compliance date to carriers which, as of the date of publication of the rule (i.e., March 6), had a policy of carrying no hazardous materials with respect to the introductory language of paragraph (g), as well as paragraphs (g)(2) and (g)(3). Application of the June 4 compliance date to the other provisions of paragraph (g) is not necessary in order to deal with the problem that these carriers raise.

Section 382.43 Treatment of Mobility Aids and Assistive Devices

This section requires carriers to return passengers' equipment in the condition received by the carrier, says that carriers may not limit baggage liability for domestic transportation with respect to such equipment to less than twice the normal baggage liability limit, and prohibits carriers from requiring waivers of liability from such equipment. None of these provisions require significant additional training, supplies, or administrative procedures to implement. It is not necessary to apply the June 4 compliance date.

The Department is also using this rule to make a technical correction amendment to paragraph (b). The amendment will change the term "domestic flights" to "domestic transportation," since the latter term is more accurate. (There are some domestic flights which are considered, for purposes of international law, to be part of international air transportation.)

Section 382.45 Passenger Information

Paragraph (a) requires carriers to provide substantial new information to passengers about accessibility features of aircraft. Complying with this requirement may require new administrative systems, additional programming of computers, and training of personnel to respond appropriately to inquiries from the public. Paragraph (c), which requires provision of information to persons with hearing or vision impairments, may also require additional training or administrative procedures to implement. The June 4 compliance date will apply to these provisions.

Paragraph (b) concerns safety briefings. It reiterates requirements of FAA safety rules on this subject, says that briefings of handicapped passengers are to be conducted inconspicuously, and forbids "quizzes" of handicapped persons about the content of briefings. This section is consistent with existing FAA-mandated

practice, and its provisions regarding courtesy to passengers and avoidance of "quizzes" are easy to understand and straightforward. No new administrative systems are necessary, and training, while useful to emphasize to personnel the necessity of sensitive and appropriate treatment of passengers, need not occur before the provisions are implemented. The June 4 compliance date will not apply to this paragraph.

Paragraph (d) requires each carrier to make available to the public a copy of the rule for review at each airport it uses. The rule was published on March 6. Given the general availability of photocopying machines, and the fact that carriers can distribute copies of documents to all the airports they use on their own flights, it does not seem unreasonable to believe that copies of the rule could be distributed as required by this paragraph in a month's time. The June 4 compliance date need not apply to this provision.

Section 382.47 Accommodations for Persons With Hearing Impairments

Paragraph (a) requires the use of telecommunications devices for the deaf (TDDs) by many air carriers. If carriers do not now have TDDs, they will have to purchase them. This may require some additional time. Therefore, the June 4 compliance date will apply to this paragraph, but only with respect to the acquisition of TDDs. Requirements for the use of TDDs which carriers have must be implemented as scheduled on April 5.

Paragraph (b) concerns video safety briefings. Since the requirement to caption videos is to be implemented by attrition, as older materials are replaced, it is not necessary to apply the June 4 compliance date to this requirement.

Section 382.49 Security Screening of Passengers

Paragraph (a) essentially requires that security screening of disabled passengers follow the same rules as screenings for other passengers. Since this is a requirement that all passengers be treated according to normal procedures, application of the June 4 compliance date is unnecessary. Paragraphs (b) and (c) concern provision of private briefings on request for disabled passengers. These provisions may require new administrative procedures and designation of appropriate locations for private briefings, and it is reasonable to apply the June 4 compliance date to them.

Sections 382.51 Communicable Diseases and 382.53 Medical Certificates

These two related provisions limit the ability of carriers to restrict the travel of persons with communicable diseases and to demand medical certificates of passengers. ATA expressed concern that since a key element of the communicable diseases provision calls upon carriers to rely on information from U.S. public health agencies about diseases which may be transmissible in the normal course of flight, carriers may need time to obtain the information from the public health agencies and distribute it to their personnel. For this reason, the Department will apply the June 4 compliance date to this provision. However, the Department would regard as a violation of §§ 382.7 and/or 382.31 (general nondiscrimination and refusal of transportation) conduct by an airline to exclude or otherwise restrict a passenger because the passenger had a disease or infection which public health authorities have said is not transmissible by casual contact (e.g., infection with, or conditions associated with, human immunodeficiency virus).

The medical certificates provision appears able to be implemented immediately, with little change in existing carrier procedures. It reflects the basic point that disabilities are not equivalent to illnesses. Except for paragraph (c), which is a cross-reference to the communicable diseases section of the rule, it is unnecessary to apply the June 4 compliance date.

Section 382.55 Miscellaneous Provisions

Paragraph (a) concerns service animals, which are to be allowed to accompany their users on flights, at the users' seats. Implementing this provision requires only that carriers not limit persons and their service animals to particular seats (except where blocking an aisle or other key area would result). Carriers are likely already to have information on transporting animals outside the continental U.S. The June 4 compliance date need not apply to this paragraph.

Paragraphs (b) and (c) are prohibitions of arbitrary practices concerning blankets and special holding areas that carriers need no additional time to implement. Application of the June 4 compliance date is not necessary.

Section 382.57 Charges for Accommodations Prohibited

No additional time is needed to implement this provision, which simply prohibits special charges for

accommodations required by the rule. Carriers comply with this provision simply by refraining from imposing such charges.

Sections 382.61 Training and 382.63 Carrier Programs

These sections contain their own internal timetables for training employees, establishing carrier programs, and submitting the programs to the Department for review. Because compliance dates are already built into these sections, it is unnecessary to apply the June 4 compliance date to them.

Section 382.65 Compliance Procedures

Paragraph (a) requires that carriers make complaints resolution officials (CROs) available to deal with passenger concerns about violations of the rule. Under § 382.61, CROs must be trained within 60 days of the effective date of the rule (i.e., June 4). It makes sense to apply the June 4 compliance date to this paragraph, since doing so will result in CROs being required to be in place at the time their training is required to be completed. The June 4 compliance date will also apply to paragraph (b)(2), which refers to CROs in the context of written complaints to carriers.

The remainder of paragraph (b) refers to written complaints to carriers. Because carriers, through consumer affairs or similar offices, already are likely to have people and administrative systems in place to respond to unhappy passengers, and so that passengers have a means of accessing carriers when they have complaints, the Department is not applying the June 4 compliance date to the remainder of paragraph (b). The recourse of consumers to the Department's Office of Consumer Affairs and formal enforcement process, of course, is available at present, so the June 4 compliance date is not relevant for paragraphs (c) and (d).

Regulatory Process Matters

This is not a major rule under Executive Order 12291 or a significant rule under the Department's Regulatory Policies and Procedures. This rule imposes no costs, has no Federalism implications, and does not have a significant economic impact on a substantial number of small entities. Therefore, neither a regulatory evaluation, Federalism assessment, nor regulatory flexibility analysis is warranted.

This rule relieves a restriction (i.e., that carriers begin compliance with all provisions of part 382 on April 5), in response to petitions from affected parties. In addition, compliance with some provisions of part 382 could be

difficult to achieve on April 5, and it would be impracticable to insist to the contrary. Doing so could also place carriers in technical violation of the rules, which could create significant problems in the Department's enforcement process. Because the April 5 effective date of part 382 is only a few days away, quick action is necessary, and there has not been time to obtain public comment. (Public comment is sought by the notice for any further changes in the compliance date.) For these reasons, the Department finds good cause to make the rule effective less than 30 days after publication and determines that a prior opportunity for public comment is impracticable and contrary to the public interest.

List of Subjects in 14 CFR Part 382

Aviation, handicapped.

Issued this 30th day of March 1990, at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

For the reasons set forth in the preamble, 14 CFR part 382 is amended as follows:

PART 382—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL

1. The authority citation continues to read as follows:

Authority: Sections 404(a), 404(c), and 411 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1374(a), 1374(c), and 1381).

2. Section 382.3 thereof is amended by adding a new paragraph (e), to read as follows:

§ 382.3 Applicability.

* * * * *

(e) The compliance date for the following provisions of this part is June 4, 1990:

- (1) § 382.7(b)
- (2) § 382.9
- (3) § 382.21(c)
- (4) § 382.23(e)
- (5) § 382.31(e)
- (6) § 382.33(d), (f)
- (7) § 382.35 (b)(2), (b)(3), (d), (e)
- (8) § 382.37 (b), (c)
- (9) § 382.39(a) (second sentence of introductory language); (a)(1) and (a)(2), with respect to acquisition of equipment; (a)(3); (b)(3); (b)(4)

(10) § 382.41 (d); (e)(2); (f); (g)(3), with respect to acquisition of hazardous materials packaging supplies for wheelchair batteries; (g)(5). In addition, for carriers which as of March 6, 1990, had a policy of carrying no hazardous

materials, (g) (introductory language) and (g)(2)

(11) § 382.45 (a), (c)

(12) § 382.47 (a), with respect to acquisition of telecommunications devices for the deaf

(13) § 382.49 (b), (c)

(14) § 382.51

(15) § 382.53 (c)

(16) § 382.65 (a), (b)(2)

§ 382.43 [Amended]

3. Section 382.43 is amended, in paragraph (b), by removing the word "flights" and adding the word "transportation".

[FR Doc. 90-7750 Filed 3-30-90; 4:04 pm]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 142 and 178

[T.D. 90-25]

RIN 1515-AA88

Manufacturer/Seller Identification Required at Time of Entry

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by requiring that importers provide the name and address of the manufacturer or seller of imported merchandise on each invoice. The addition of this information on the invoice is necessary to enhance Customs ability to perform its cargo documentation and improve the overall efforts to process entries as expeditiously as possible with a minimum of processing delays. Notice of Customs intent to require this information was announced in the *Federal Register* on November 13, 1989, and comments were sought on the proposal. Minor modifications have been made in the language of the amendment to eliminate the concerns and difficulties raised in comments. However, the basic information being sought in the final version remains the same as that in the proposal. Because the amendment requires submission of information to Customs, part 178, the list of sections which contain approved collections of information is also being amended.

EFFECTIVE DATE: May 3, 1990.

FOR FURTHER INFORMATION CONTACT:
Patricia Flynn, Office of Inspection and Control, U.S. Customs Service (202) 566-5354.

SUPPLEMENTARY INFORMATION:

Background

In recent years, the U.S. Customs Service has been increasing its use of automated information-processing technology in order to provide quicker, more efficient service to importers. A principal element of this effort has been the adoption of the Automated Commercial System (ACS). Through this system, importers are able to have their merchandise quickly cleared through the entry documentation process. One of the critical elements which enables the ACS process to function efficiently is an item known as the "Manufacturer ID" (MID code). This is a standardized code which is intended to provide a unique piece of data which can be used in various automated systems. Instructions for constructing this code element were provided to the public in T.D. 87-88, 52 FR 24034, June 26, 1987. Use of this MID code was required as of July 27, 1987, for all forms processed through the cargo selectivity module of the ACS.

When the MID code requirement was implemented, Customs had no record of many of the manufacturers for whom ID's were being developed and submitted. Additionally, "new" manufacturers whose identity cannot be readily verified appear constantly.

The Customs Service has established an automated system to process all formal entries and to select those shipments that are high risk for intensive examinations or scrutiny. At the present time, approximately 80 percent of all cargo shipments are released without an extensive Customs examination, or with only a review of the documentation. For ACS cargo selectivity entry processing to work efficiently, it is necessary that the system be able to verify the MID code against a known manufacturer's or seller's name and address. The MID code provided at entry must be verified if Customs is to be confident that the entry processing system and examination designations assigned shipments are proper. The address is absolutely necessary to determine and construct the unique identifier for the manufacturer or seller in ACS. Without this information, the usefulness of the Customs ACS history files will be lessened.

The ACS is currently faced with a large number of "pending MID's" (MID codes which have been filed with Customs, but which are not currently associated with a specific manufacturer or seller name and address) and incorrect MID codes. The efficient operation of the system is disrupted

whenever it encounters one of these unvalidated MID codes.

Because Customs needs this information at the time of entry, an amendment to the Customs Regulations was proposed and published in the *Federal Register* on November 13, 1989 (54 FR 47219). The information being required by this amendment will be used to verify data provided at the time of entry filing to ensure that the data used in selecting shipments for examinations is valid. This amendment is intended to provide Customs with the information which will enable it to eliminate or greatly reduce the numbers of these unvalidated MID codes.

The information required by this amendment is not duplicated under existing Customs Regulations in any other phase of the entry processing system. Section 141.61 describes the manner in which entry documents and forms must be completed. Section 142.3 sets forth entry documentation requirements. Section 142.6(a) sets forth the required contents of the invoice to be submitted at the time of entry. Currently, the invoice must contain an adequate description of the merchandise, the quantity of the merchandise, the value of the merchandise and the appropriate tariff code. Information regarding the manufacturer/seller is not required on the invoice, but is optional. Section 141.86 sets forth the required contents of the invoice for submission with the entry summary. This summary must be filed no later than 10 days after the filing of the entry documentation. Again, the regulations provide the importer with the option of providing information on either the seller or the shipper of the merchandise, neither of which may be the actual manufacturer.

As originally proposed, § 142.6 would have been amended by adding a new paragraph (5) which read:

(5) The name and complete address of the individual or firm who is responsible for invoicing the merchandise (for example, the manufacturer or the shipper).

Discussion of Comments

Customs received seven comments on the proposed amendment from members of the public. While none of the comments expressed vigorous opposition to the proposed amendment, several did raise questions which have resulted in minor modifications to the language of the amendment.

Comment: Several comments expressed concern that importers would face significant difficulties if Customs adopted regulations which required that

the manufacturer of imported merchandise be identified on the invoice. One instance cited where difficulties could arise would be when importers contract with foreign vendors for merchandise. The vendors might then sub-contract with a variety of manufacturers whose joint product would then be consolidated in the shipment. Another instance would be where merchandise was obtained from trading companies which deal in generic commodities; the identity of the actual manufacturer might be unavailable and unknown to the importer.

Response: Although in the great majority of situations, the manufacturer will be the seller of the merchandise, Customs acknowledges that there will probably be instances where the actual identity of the true manufacturer of the merchandise cannot be ascertained. For this reason, the proposed amendment has been modified to allow the importer to supply Customs with the name and complete address of the individual or firm who sells the merchandise in those situations where the actual manufacturer cannot be identified. The information Customs needs is the identity of the foreign person or firm who is responsible for introducing the merchandise into the U.S. stream of commerce. This amendment is intended to satisfy that need.

Comment: Some comments stated that the Supplementary Information in the Notice of Proposed Rulemaking did not provide the public sufficient information to justify the requirement that this additional information be provided on the invoice and that Customs has not established how receipt of this information will enable it to perform any of the regular Customs functions of classifying, appraising or determining admissibility of merchandise.

Response: Customs believes that the Background section of the Notice adequately reflected the need for the requirement. The Background section of this document more fully explains how receipt of the information required by this amendment will enable Customs to improve cargo handling for all importers. Enabling the ACS to operate at maximum efficiency is in the best interest of all importers, and the addition of this information will improve overall Customs operations.

Comment: Some comments asked that the scope of the amendment be expanded to require that the name and address of both the seller and manufacturer of specific types of merchandise be included on the invoice. Concerns were expressed over interrelationships between sellers and

manufacturers of this product which might otherwise be overlooked by Customs.

Response: Customs acknowledges that there are specific product categories which require more detailed information to assure full compliance with the law. Customs will continue to study the feasibility of implementing suggestions made in the comments. However, at this time, Customs is not prepared to expand the scope of the amendment to include additional information for particular products.

Determination

After consideration of all the comments received in response to the notice of proposed rulemaking, and upon further review of the matter, it has been determined to adopt the amendment with the modifications discussed.

Paperwork Reduction Act

The collection of information in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1515-0170.

The estimated average burden associated with this collection of information is 12 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden and suggestions for reducing this burden should be directed to the U.S. Customs Service, Attention: Paperwork Management Office, 1301 Constitution Avenue, NW., Washington, DC 20229, or the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Executive Order 12291

This is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), it is certified that these amendments will not have a significant impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs

Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 142

Customs duties and inspection, Imports.

19 CFR Part 178

Reporting and recordkeeping requirements, Paperwork requirements, Collections of information.

Amendments to the Regulations

Parts 142 and 178 of the Customs Regulations (19 CFR parts 142 and 178) are amended as set forth below:

PART 142—ENTRY PROCESS

1. The authority for part 142 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. In § 142.6, paragraph (a) introductory text is republished and a new paragraph (a)(5) is added to read as follows:

§ 142.6 Invoice requirements.

(a) **Contents.** The commercial invoice, or the documentation acceptable in place of a commercial invoice in those instances listed in § 141.83(d) of this chapter, shall be furnished with the entry and before release of the merchandise is authorized. The commercial invoice or other acceptable documentation shall contain:

* * * * *

(5) The name and complete address of the foreign individual or firm who is responsible for invoicing the merchandise, ordinarily the manufacturer/seller, but where the manufacturer is not the seller, the party who sold the merchandise for export to the U.S., or made the merchandise available for sale.

* * * * *

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for part 178 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1624, 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by adding the following in the appropriate numerical sequence according to the section number under the column indicated:

§ 178.2 Listing of OMB Control Numbers.

19 CFR section	Description	OMB control number
§ 142.6	Name and address of manufacturer or seller.	1515-0170
• • • • •	• • • • •	• • • • •

Carol Hallett,
Commissioner of Customs.

Approved: March 27, 1990.

Peter K. Nunez,
Assistant Secretary of the Treasury.
[FR Doc. 90-7530 Filed 4-2-90; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 178**

[Docket No. 87F-0380]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 4,4'-diamino-[1,1'-biantanthracene]-9,9',10,10'-tetraone as a colorant in polymers intended to contact food. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective April 3, 1990; written objections and requests for a hearing by May 3, 1990.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of January 11, 1988 (53 FR 643), FDA announced that a food additive petition (FAP 7B4024) had been filed by Ciba-Geigy Corp., Seven (formerly Three) Skyline Dr., Hawthorne, NY 10532-2188, proposing that § 178.3297 Colorants for polymers (21 CFR 178.3297) be amended to provide for the safe use of 4,4'-

diamino-[1,1'-biantanthracene]-9,9',10,10'-tetraone as a colorant in food-contact polymers.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data and material establish the safety of the level of use of the additive in the manufacture of polymers, and that the regulations should be amended in § 178.3297 as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 3, 1990 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen

in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.3297 is amended in paragraph (e) by alphabetically adding a new entry to the table to read as follows:

§ 178.3297 Colorants for polymers.

* * * * *

(e) * * *

Substances	Limitations
4,4'-Diamino-[1,1'-biantanthracene]-9,9',10,10'-tetraone (CAS Reg. No. 4051-63-2).	For use at levels not to exceed 1 percent by weight of polymers. The finished articles are to contact food only under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.
• • • • •	• • • • •

Dated: March 23, 1990.

Fred R. Shank,
Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-7581 Filed 04-02-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 301**

[T.D. 8297]

RIN 1545-AM49

Time and Place of Examination

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations that set forth the policy of the Internal Revenue Service concerning the time and place for conducting examinations. The Service is issuing these regulations pursuant to section 6228(b) of subtitle J, Title VI of the Technical and Miscellaneous Revenue Act of 1988, the Omnibus Taxpayer Bill of Rights. The regulations set forth general criteria to be utilized by Internal Revenue Service officers and employees in setting a time and place of examination that are reasonable under the circumstances. It is the goal of these regulations to balance the convenience of the taxpayer with the requirements of sound and efficient tax administration. These temporary regulations also cross-reference a notice of proposed rulemaking in this issue of the *Federal Register*.

EFFECTIVE DATE: The regulations as to time and place of examination are effective as of June 4, 1990.

FOR FURTHER INFORMATION CONTACT:
Nancy O. Ryan, 202-535-9678 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations amending the Procedure and Administration Regulations (26 CFR part 301) under section 7605 of the Internal Revenue Code. Section 7605(a) of the Internal Revenue Code states that the time and place of examination pursuant to the provisions of section 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7602 shall be such time and place as may be fixed by the Secretary and as are reasonable under the circumstances. The existing regulations provide, in general terms, that the time and place for examination shall be fixed by an officer or employee of the Internal Revenue Service and shall be reasonable under the circumstances.

Section 6228(b) of subtitle J, title VI of the Technical and Miscellaneous Revenue Act of 1988, the Omnibus Taxpayer Bill of Rights, directs that additional regulations be promulgated governing the setting of the time and place for examinations. In keeping with both the spirit of that legislation and the policy of the Service, it is the goal of these regulations that the Service officer or employee setting the time and place for examination will in all cases balance the convenience of the taxpayer with the requirements of sound and efficient tax administration.

Need for Temporary Regulations

The provisions contained in this Treasury decision are needed to

promulgate temporary regulations immediately in response to enactment of section 6228(b) of the Technical and Miscellaneous Revenue Act of 1988. It is therefore found impracticable and contrary to the public interest to issue this Treasury decision with prior notice and public procedure under section 553(b) of title 5 of the United States Code.

Explanation of Provisions

The current regulations under section 7605 of the Internal Revenue Code permit an officer or employee of the Internal Revenue Service to determine the time and place of examination on a case-by-case basis. The existing regulations do not, however, provide guidance as to what is reasonable under the circumstances. The amended regulations set forth standards to be considered by Service officers and employees in determining a reasonable time and place for examination. The amended regulations provide that, based on these standards, Service officers and employees shall endeavor at all times to schedule a time and place that are reasonable under the circumstances. The regulations require the Service officer or employee to exercise sound judgment in applying these standards to the circumstances at hand, balancing the interest of convenience of the taxpayer with the requirements of sound and efficient tax administration.

In view of constraints necessarily placed on the Service, the proposed regulations provide that it will be considered reasonable for the Service to require that an examination be scheduled on a normally scheduled workday of the Service, during the Service's normal duty hours. Similarly, to permit the administration of the tax code in an orderly manner, the regulations provide that the Service may schedule examinations throughout the year, without making special accommodations to seasonal fluctuations in the taxpayer's or the taxpayer's representative's business. The regulations contemplate the Service will work with taxpayers or their representatives to attempt to minimize any adverse effects from scheduling the date and time of an examination.

Generally, the Service will determine whether an examination will be an office examination (*i.e.*, an examination conducted at a Service office) or a field examination (*i.e.*, an examination conducted at the taxpayer's residence or place of business, or some other location other than a Service office) based upon the complexity of the return and which form of examination will be more conducive to effective and efficient tax

administration. The Service will grant a request to hold an office examination at a location other than a Service office in a case of clear need, such as when the taxpayer's advanced age or infirm physical condition make it unreasonably difficult to travel to a Service office.

With regard to place of examination, the temporary regulations generally provide that the initial determination of where an examination will take place, including the district to which an examination will be assigned, will be made by the Service based upon the address shown on the return for the period selected for examination. Written requests by taxpayers or their representatives to transfer the place for examination will be considered and resolved on a case-by-case basis.

The regulations provide generally that in the case of an office examination (which are performed only with respect to individual taxpayers), the Service will set the place of examination at the Service office within the assigned district that is closest to the taxpayer's residence. If the closest office does not have an examination group or the personnel needed to conduct the examination, however, the Service is generally permitted to schedule the examination at the closest Service office within the assigned district that has an examination group or the appropriate personnel.

With regard to returns selected by the Service for field examinations, the examination generally will take place at the location where the original books, records, and source documents pertinent to the examination are maintained. This will usually be at the taxpayer's residence or principal place of business.

The Service generally will not conduct an examination at the taxpayer's place of business if the business is so small that doing so will essentially require the taxpayer to close the business or would unduly disrupt business operations. The regulations provide for a procedure under which a taxpayer may advise the Service in writing that an examination at the taxpayer's place of business would essentially require closing the business. The Service, upon verification, will then make arrangements to conduct the examination at a Service office within the district in which the original books, records, and source documents are maintained. Notwithstanding that the examination is moved to a Service office, however, the Service will not be precluded from visiting the taxpayer's place of business during the Service's normal duty hours to establish facts which can only be established by a

direct visit, such as inventory or asset verifications.

The regulations provide that taxpayers may make written requests to the Service to change the place of examination, and set forth the general criteria to be used by the Service in responding to these requests. In considering requests to change the place of examination, the Service will normally take into account the following factors: The location of taxpayer's current residence; the location of the taxpayer's current principal place of business; the location at which the taxpayer's books, records, and source documents are maintained; the location at which the service can perform the examination most efficiently; the resources available at the Service office to which the taxpayer has requested a transfer; and other factors that indicate that conducting the examination at a particular location could pose undue inconvenience to the taxpayer.

The regulations provide that the Service generally will not adjust the place of an examination based upon the location of the place of business of the taxpayer's representative. In addition, the Service may not accommodate a taxpayer's request for transfer when the expiration of the applicable statute of limitations on assessment or collection is less than thirteen months from the date of the taxpayer's written transfer request, unless the taxpayer has agreed to an extension of the limitations period. The Service also is not required to transfer an examination to an office or district that does not have adequate resources available to conduct the examination.

The regulations indicate that, in all circumstances, the Service may take into account the physical safety of its personnel in setting the place of an examination. Therefore, the Service may not be required to conduct a particular examination at the taxpayer's residence or place of business. When it appears that the possibility of physical danger exists, the Service shall transfer the examination to a Service office and may take any other steps reasonably necessary to protect its officers and employees.

The regulations also provide that nothing in the regulations shall be interpreted as preventing the Service from transferring an examination on its own initiative in order to further the effectiveness and efficiency of the examination, based upon the criteria set forth in the regulations.

Examinations which fall under the jurisdiction of the Office of the Assistant Commissioner (International) sometimes involve unique circumstances because

of the presence of a taxpayer or a Service officer or employee in a foreign country, because of special treaty provisions, or for other reasons. The regulations provide that the criteria set forth in the regulations generally will be used as guidelines for these examinations. Where, however, there is a conflict between the criteria in the regulations and the established policies and procedures of the Office of the Assistant Commissioner (International), those policies and procedures will govern.

The legislative history of section 6228 of TAMARA indicates that the provisions relating to taxpayer interviews generally do not apply to criminal investigations. The amended regulations provide that, except for the statutory ten-day period that must be allowed whenever an administrative summons is used, the regulations do not apply to criminal investigations. The criteria set forth in the regulations therefore govern only the time and place of civil examinations under I.R.C. section 7602(a).

Special Analyses

It has been determined that these rules are related to agency organization, management, or personnel and are not subject to Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. Additionally, section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Nancy O. Ryan of General Litigation, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Disclosure of information, Employment taxes, Estate tax, Excise taxes, Filing requirements, Gift tax, Income taxes,

Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes.

Adoption of Addition to the Regulations

Accordingly, Title 26, part 301 of the Code of Federal Regulations is amended as follows.

PART 301—[AMENDED]

Paragraph 1. The authority citation for part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * § 301.7605-1T also issued under section 6228(b) of the Technical and Miscellaneous Revenue Act of 1988.

§ 301.7605-1 [Amended]

Par. 2. In § 301.7605-1, the heading and text for paragraph (a) are removed and paragraph (a) is reserved.

Par. 3. Section 301.7605-1T is added immediately following § 301.7605-1 to read as follows:

§ 301.7605-1T Time and place of examination (temporary).

(a)(1) In general. The time and place of examination pursuant to the provisions of sections 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7602 of the Internal Revenue Code shall be such time and place as are fixed by an officer or employee of the Internal Revenue Service, and officers and employees shall endeavor at all times to schedule a time and place that are reasonable under the circumstances. This regulation set forth general criteria for the Service to apply in determining whether a particular time and place for an examination are reasonable under the circumstances. Officers and employees should exercise sound judgment in applying these criteria to the circumstances at hand and should balance convenience of the taxpayer with the requirements of sound and efficient tax administration.

(2) International examinations. The criteria in these regulations generally will be used as guidelines for setting the time and place for examinations which fall under the jurisdiction of the Office of the Assistant Commissioner (International). However, if there is a conflict between these regulations and the established policies and procedures of the Office of the Assistant Commissioner (International), the policies and procedures of the Office of the Assistant Commissioner (International) will govern.

(3) Criminal investigations. Except for the provisions of paragraph (b)(2) of this section, these regulations do not apply to criminal investigations.

(b) *Time of examination*—(1) *Date and time of examination*. It will be considered reasonable for the Service to schedule the day (or days) for an examination during a normally scheduled workday (or workdays) of the Service, during the Service's normal business hours. It will be considered reasonable for the Service to schedule examinations throughout the year, without reference to seasonal fluctuations in the businesses of particular taxpayers or their representatives. However, the Service will work with taxpayers or their representatives to try to minimize any adverse effects in scheduling the date and time of an examination.

(2) *Date of appearance when summons is used*. In the case of a summons issued under authority of section 7602(a)(2) of the Internal Revenue Code, or under the corresponding authority of sections 6420(e)(2), 6421(g)(2), or 6427(j)(2), the date fixed for appearance before an officer or employee of the Service shall not be less than 10 days from the date of the summons.

(c) *Type of examination*—(1) *In general*. The Service will determine whether an examination will be an office examination (*i.e.*, an examination conducted at a Service office) or a field examination (*i.e.*, an examination conducted at the taxpayer's residence or place of business, or some other location that is not a Service office), based upon the complexity of the return and which form of examination will be more conducive to effective and efficient tax administration.

(2) *Office examination held in location other than Service office in case of clear need*. The Service will grant a request to hold an office examination at a location other than a Service office in a case of clear need, such as when it would be unreasonably difficult for the taxpayer to travel to a Service office because of the taxpayer's advanced age or infirm physical condition.

(d) *Place of examination*—(1) *In general*. The Service will make an initial determination of the place for an examination, including the district to which an examination will be assigned, based upon the address shown on the return for the period selected for examination. Requests by taxpayers to transfer the place of examination will be resolved on a case-by-case basis, using the criteria set forth in paragraph (e) of this section.

(2) *Office examinations*—(i) *In general*. An office examination will generally take place at the Service office, within the Internal Revenue

Service district encompassing the taxpayer's residence, which is closest to the taxpayer's residence. It is generally not reasonable for the Service to require a taxpayer to attend an examination at an office within an assigned district other than the office closest to the taxpayer's residence.

(ii) *Exception*. When the office within the assigned district closest to the taxpayer's residence does not have an examination group or the appropriate personnel to conduct the examination, it generally is reasonable for the Service to require the taxpayer to attend an examination at the office within the assigned district closest to the taxpayer's residence that has an examination group or the appropriate personnel.

(3) *Field examinations*—(i) *In general*. A field examination will generally take place at the location where the taxpayer's original books, records, and source documents pertinent to the examination are maintained. This will usually be the taxpayer's residence or principal place of business.

(ii) *Exception for certain small businesses*—The Service generally will agree not to conduct an examination at a taxpayer's place of business if the business is so small that doing so would essentially require the taxpayer to close the business or would unduly disrupt business operations. If an examination is scheduled by the Service at the taxpayer's place of business and the taxpayer represents to the Service in writing that conducting the examination at the place of business would essentially require the business to close, the Service, upon verification, shall change the place of examination to a Service office within the Internal Revenue Service district where the taxpayer's books, records, and source documents are maintained.

(iii) *Site visitations*. Regardless of where an examination takes place, the Service may visit the taxpayer's place of business or residence to establish facts that can only be established by direct visit, such as inventory or asset verification. The Service may visit for these purposes on a normal workday of the Service during the Service's normal business hours.

(e) *Requests by taxpayers to change place of examination*—(1) *In general*. The Service will consider, on a case-by-case basis, written requests by taxpayers or their representatives to change the place that the Service has set for an examination. In considering these requests, the Service will take into account the following factors:

(i) The location of the taxpayer's current residence;

(ii) The location of the taxpayer's current principal place of business;

(iii) The location at which the taxpayer's books, records, and source documents are maintained;

(iv) The location at which the Service can perform the examination most efficiently;

(v) The resources available at the Service office to which the taxpayer has requested a transfer; and

(vi) Other factors which indicate that conducting the examination at a particular location could pose undue inconvenience to the taxpayer.

(2) *Circumstances in which the Service normally will permit transfers*. A request by a taxpayer to transfer the place of examination will generally be granted under the following circumstances:

(i) *Office examination*—(A) If a taxpayer currently resides in a district other than the district initially selected for the examination, the Service normally will agree to transfer the examination to that Service office, in the district encompassing the taxpayer's current residence, which is closest to the taxpayer's residence.

(B) If a taxpayer's current residence is closer to a different Service office in the same district than the office initially selected for the examination, the Service normally will agree to transfer the examination to the Service office closest to the taxpayer's current residence.

(ii) *Field examinations*—(A) If a taxpayer does not reside at the residence where an examination has been scheduled, the Service will transfer the examination to the taxpayer's current residence.

(B) If a taxpayer's books, records and source documents are maintained at a place other than the place at which the examination is scheduled to take place, the Service will agree to transfer the examination to the place where the taxpayer's books, records and source documents are maintained.

(3) *Transfer for convenience of taxpayer's representative*. The location of the place of business of a taxpayer's representative will generally not be considered in determining the place for an examination.

(4) *Transfer within thirteen months of expiration of limitations period*. If any applicable period of limitations on assessment or collection provided in the Internal Revenue Code will expire within thirteen months from the date of a taxpayer's request to transfer the place of an examination, the Service may require, as a condition for an otherwise permissible transfer, that the

taxpayer first agree in writing to extend the limitations period.

(5) *Transfer to office with insufficient resources.* The Service will not be required to transfer an examination to an office or district that does not have adequate resources to conduct the examination.

(f) *Safety of Service officers and employees.* Notwithstanding any other provision of this regulation, officers and employees of the Service may decline to conduct an examination at a particular location if it appears that the possibility of physical danger may exist at that location. In these circumstances, the Service may transfer an examination to a Service office and take any other steps reasonably necessary to protect its officers and employees.

(g) *Transfers initiated by Service.* Nothing in these regulations shall be interpreted as precluding the Service from initiating the transfer of an examination if the transfer would promote the effective and efficient conduct of the examination. Should a taxpayer request that such a transfer not be made, the Service will consider the request according to the principles and criteria set forth in paragraph (e) of this section.

Fred T. Goldberg, Jr.,
Commissioner of Internal Revenue.

Approved: March 27, 1990.

Kenneth W. Gideon,
Assistant Secretary of the Treasury.
[FR Doc. 90-7619 Filed 4-2-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD COTP Baltimore, MD Regulation 90-01]

Ice Navigation Season; Regulated Navigation Area Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of termination of ice navigation season under 33 CFR 165.503.

SUMMARY: The Ice Navigation Season Regulated Navigation Area on the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal, is terminated effective 31 March 1990. The regulation for this Regulated Navigation Area, found in 33 CFR 165.503, states that the Regulated Navigation Area is placed in effect and terminated at the direction of the Captain of the Port, Baltimore, Maryland by notice in Federal Register. The Regulated Navigation Area was

placed in effect by a Federal Register Notice published on December 26, 1989 (54 FR 52938). The purpose of this Regulated Navigation Area was to enhance the safety of navigation in the affected waters. It required operators of certain vessels to be aware, during their vessel's transit of the Regulated Navigation Area, of currently effective Ice Navigation Season Captain of the Port Orders issued by the Captain of the Port, Baltimore, Maryland. The Regulated Navigation Area is hereby terminated.

EFFECTIVE TERMINATION DATE: March 31, 1990.

FOR FURTHER INFORMATION CONTACT:
LTJG C.C. Pippenger, Port Safety Officer, Coast Guard Marine Safety Office, Custom House, Baltimore, Maryland 21202-4022, (301) 962-5105.

Dated March 28, 1990.

J.H. Parent,

Captain, U. S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 90-7550 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AD54

Determination of Service Connection for Impaired Hearing

AGENCY: Department of Veterans Affairs.

ACTION: Final regulation.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations to establish criteria for the purpose of determining the levels at which hearing loss becomes disabling. This change is necessary to provide regulatory limits governing the establishment of service connection for impaired hearing. The intended effect will be to establish a department-wide rule for making determinations regarding service connection for impaired hearing.

EFFECTIVE DATE: This amendment is effective May 3, 1990.

FOR FURTHER INFORMATION CONTACT:
Joel Drembus, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: On pages 32627-32628 of the Federal Register of August 26, 1988, VA

published a proposal to amend its adjudication regulations by adding § 3.385. Interested persons were invited to submit comments, suggestions, or objections by September 26, 1988. Five comments were received.

Three commenters suggested that hearing status upon entering military service should be considered and compared to hearing status upon discharge or release from service. Two of the three further stated that any change or shift in hearing in service should be considered service-connected or related.

When making a determination as to whether or not service connection is warranted for any disease or injury, VA always considers the service medical records, including the findings shown on entrance and discharge or release, as well as all other evidence of record. Service connection basically means that the evidence establishes that a disease or injury resulting in disability was incurred coincident with military service, or if preexisting such service, was aggravated therein. The purpose of this regulation is to provide a gauge of what constitutes hearing disability. A change in hearing as a result of military service is a disability only if it exceeds the specified levels constituting hearing disability. We, therefore, do not agree that any change in hearing in service should be service-connected.

One commenter stated that our proposed regulation was too lenient. We do not agree. The pure tone thresholds are not significantly changed from the procedural guidelines for determining normal hearing which VA rating boards have used for many years. The significant change between the procedural guidelines and the proposed regulation is in dropping consideration of pure tone thresholds at 250 Hertz (Hz) and considering such thresholds at 3000 Hz.

Two commenters recommended that the speech recognition test words be presented at normal conversation level and that this presentation level be factored into the speech recognition scores.

We do not concur. VA establishes service connection for "uncorrected" hearing loss based on unaided audiological test results. Since "normal" speech recognition scores are obtained at 30-40 decibels (dB) Sensation Level for "normal hearing" listeners, presentation at average conversational level or 70 dB Sound Pressure Level would result in decreased speech recognition ability for even mildly impaired veterans. Service connection must be established on the basis of

audiological results which reflect maximum residual auditory function.

One commenter stated that the proposed criteria appear to be fair because of the requirement for speech recognition testing and the absence of age correction factors. However, that commenter believes that "normal hearing" cannot exist when pure tone thresholds exceed 25 dB at any frequency. It was recommended that the regulation not refer to "hearing within normal limits" but to "not service-connected." We concur and have amended § 3.385 accordingly.

Two commenters objected to the regulation because it would limit audiometric testing to 4000 Hz. One stated that noise induced high frequency sensorineural hearing loss is characterized by a sharp dip between 3000 and 6000 Hz, usually first appearing at 4000 Hz, and suggested the regulation be amended to include 6000 and 8000 Hz. The other stated the limitation disagrees with current procedures used by the service departments which measure thresholds above 4000 Hz, such procedures being consistent with current medical literature.

We do not concur. While audiometric testing will continue to include 6000 and 8000 Hz among the frequencies measured, thresholds at those frequencies are not included in the regulation for the following reasons:

(1) Although speech sound energy exists at frequencies above 4000 Hz, most of the energy is concentrated in the frequency range between 500 and 2000 Hz. In addition, studies have shown that even when all frequencies above 4000 Hz are eliminated by means of filtering, speech recognition scores remain at the 95% level.

(2) In recognition of the contribution of the higher frequencies to speech recognition and the prevalence of high-frequency hearing loss in the veteran population, the threshold at 3000 Hz is routinely measured and newly included in the frequencies used to calculate the puretone, air conduction average (1000, 2000, 3000, and 4000 Hz). With the adoption of the new disability rating schedule in December 1987, for the first time, thresholds at 3000 and 4000 Hz were included in the calculation of the puretone average, and 3000 Hz is now being included in the criteria for the levels at which hearing loss becomes disabling.

(3) If frequencies above 4000 Hz were to be considered in establishing service connection, there would be an increased probability that a noise induced hearing loss could be complicated by presbycusis (hearing loss associated

with the aging process) or some other etiologies such as ototoxic drugs.

(4) It should also be noted that none of the branches of the military services includes 6000 or 8000 Hz in induction physical audiograms. Therefore, there would be no baseline threshold audiogram for comparison with audiograms after military service.

(5) The use of 4000 Hz as the highest frequency considered does not represent a change from the current procedural guidelines.

One commenter stated the proposed regulation is not consistent with the amended regulations for the evaluation of hearing loss effective December 18, 1987. We do not agree. Although the proposed criteria appear to be at odds with Table VI of the December 1987 rating schedule revision, the numeric designations of such table are used (as were the letter designations of the preceding table) to calculate the percent disability rating for compensation purposes rather than to describe clinically the degree of hearing loss.

That commenter also stated the proposal is discrepant with the definition of normal hearing contained in Veterans Benefits Administration (formerly Department of Veterans Benefits) Manual M21-1, paragraph 50.11a and that the proposal is not necessary as the manual provisions represent current VA policy which is binding on the rating boards. We do not agree as the manual definition refers to "Speech Reception Threshold" which is no longer used in the revised rating schedule or in the proposed regulation. In addition, the manual definition includes 250 Hz which is no longer used, and does not include 3000 Hz which is included in the revised rating schedule and is being included in the subject regulation. Consequently, the manual definition is no longer applicable and will be revised following publication of this regulation.

The same commenter also stated the proposal would unnecessarily set in concrete the definition of normal hearing. We do not concur. Not only must the rating boards have criteria to be used in determining service connection, but the criteria must be binding throughout VA, which is not the case with the procedural guidelines in the above-cited manual.

We appreciate the comments and suggestions of those who responded to publication of the proposed regulation. The proposed regulation is adopted with the amendment noted above. The final regulation is set forth below.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a

substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

- (1) It will not have an annual effect on the economy of \$100 million or more.
- (2) It will not cause a major increase in costs or prices.
- (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved February 22, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

PART 3—[AMENDED]

38 CFR part 3, Adjudication, is amended by adding § 3.385 to read as follows:

§ 3.385 Determination of service connection for impaired hearing.

Service connection for impaired hearing shall not be established when hearing status meets pure tone and speech recognition criteria. Hearing status shall not be considered service-connected when the thresholds for the frequencies of 500, 1000, 2000, 3000 and 4000 Hertz are all less than 40 decibels; the thresholds for at least three of these frequencies are 25 decibels or less; and speech recognition scores using the Maryland CNC Test are 94 percent or better.

(Authority: 38 U.S.C. 210(c)(1))

[FR Doc. 90-7620 Filed 4-2-90; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[AA-620-00-4111-02; Circular No. 2623]

43 CFR Parts 3100, 3140, 3160, 4100, 9180, 9260**Minerals Management; Oil, Gas, and Geothermal Resources Leasing****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Final rule.

SUMMARY: This administrative final rule updates and corrects cross-references to reflect changes made in the oil and gas leasing and other regulations and published in the *Federal Register* since July 22, 1983 (48 FR 33682), when part 3140 was last amended, and corrects a cross-reference error made in the text of the final rule clarifying procedures in the administration of the oil and gas leasing program, published in the *Federal Register* on May 16, 1988 (53 FR 17340). The final rule also updates and consolidates authority citations and removes unnecessary authority citations and confusing and sometimes outdated source citations in parts 3160, 4100, 9180 and 9260.

EFFECTIVE DATE: April 3, 1990.

ADDRESSES: Inquiries or suggestions should be addressed to: Director (140), Bureau of Land Management, Room 5555, Main Interior Building, 1800 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ted Hudson, (202) 343-8735.

SUPPLEMENTARY INFORMATION: In response to an academic inquiry about a cross-reference in 43 CFR part 3140 to a subpart of the Code of Federal Regulations that is no longer in existence, the Bureau of Land Management reviewed part 3140 and encountered numerous cross-references in that part to provisions of title 43 that had been amended, renumbered, or removed since part 3140 was last revised on May 24, 1982 (47 FR 22478), and then amended in part in 1983, and since subpart 3141 was revised on February 18, 1983 (48 FR 7422). This administrative final rule corrects these obsolete cross-references, which appear solely in subparts 3140 and 3141, and also corrects or removes obsolete references to the Minerals Management Service. Subpart 3142 requires no correction. It also corrects a cross-reference error in subpart 3106 that originated in a final rule originally published in the *Federal Register* on May 16, 1988 (53 FR 17359), updates and corrects typographical and printing

errors in the authority citation for part 3160, amends and consolidates the authority citations for parts 4100, 9180, and 9260, and removes unnecessary authority citations from several sections in those three parts.

This rule makes no changes in the substantive or procedural provisions of part 3100 or part 3140. Therefore, in accordance with the provisions of 5 U.S.C. 553, this amendment is published as a final rule with the effective date shown above.

The principal author of this proposed rulemaking is Ted Hudson of the Division of Legislation and Regulatory Management, assisted by the staffs of the Division of Fluid Mineral Leasing and the Division of Solid Mineral Leasing, all of the Bureau of Land Management.

It is hereby determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule, and under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that it will not have a significant economic impact on a substantial number of small entities. Additionally, as required by Executive Order 12830, the Department has determined that the rule would not cause a taking of private property.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects**43 CFR Part 3100**

Government contracts, Land Management Bureau, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

43 CFR Part 3140

Government contracts, Hydrocarbons, Land Management Bureau, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements.

43 CFR Part 3160

Government contracts, Indians—lands, Land Management Bureau, Mineral royalties, Oil and gas exploration, Penalties, Public lands—

mineral resources, Reporting and recordkeeping requirements.

43 CFR Part 4100

Administrative practice and procedure, Grazing lands, Land Management Bureau, Livestock, Penalties, Range management, Reporting and recordkeeping requirements.

43 CFR Part 9180

Land Management Bureau, Public lands, Reporting and recordkeeping requirements.

43 CFR Part 9260

Continental shelf, Forest and forest products, Land Management Bureau, Law enforcement, Penalties, Public lands, Range management, Recreation and recreation areas, Wildlife.

Under the authority of 43 U.S.C. 1201, parts 3100, 3140, and 3160, group 3100, subchapter C, part 4100, group 4100, subchapter D, parts 9180, group 9100, and part 9260, group 9200, subchapter 1, chapter II of title 43 of the Code of Federal Regulations are amended as set forth below:

PART 3100—OIL AND GAS LEASING

1. The authority citation for part 3100 continues to read as follows:

Authority: Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359), the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Act of May 21, 1930 (30 U.S.C. 301-306), the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd-ee), the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a), and the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41).

Subpart 3106—Transfers by Assignment, Sublease or Otherwise

2. The cross-reference in 43 CFR 3106.5 to "§ 3111.2 of this title" is corrected to read "§ 3110.5 of this title".

PART 3140—COMBINED HYDROCARBON LEASING**Subpart 3140—Conversion of Existing Oil and Gas Leases and Valid Claims Based on Mineral Locations**

3. The authority citation for subpart 3140 continues to read as follows:

Authority: 30 U.S.C. 181 et seq.

§ 3140.0-5 [Amended]

4. Section 3140.0-5 is amended by removing paragraph (d) and redesignating the subsequent paragraphs (e), (f), and (g) as paragraphs (d), (e), and (f), respectively.

§ 3140.1-3 [Amended]

5. Section 3140.1-3(a) is amended by removing the cross-reference at the end thereof to 43 CFR 3572.1(b) and replacing it with 43 CFR 3592.1, and by removing the word "supervisor" from the two places it appears and replacing it with the words "authorized officer."

§ 3140.1-3 [Amended]

6. Section 3140.1-3(b) is amended by removing the typographically erroneous word "or" and replacing it with the word "of."

§ 3140.1-4 [Amended]

7. Section 3140.1-4(d)(1) is amended by removing the last sentence.

§ 3140.2-2 [Amended]

8. Section 3140.2-2 is revised to read as follows:

§ 3140.2-2 Who may apply.

Only owners of oil and gas leases issued within Special Tar Sands Areas, on or before November 16, 1981, and owners of valid claims based on mineral locations within Special Tar Sands Areas, are eligible to convert leases or claims to combined hydrocarbon leases in Special Tar Sands Areas.

§ 3140.2-3 [Amended]

9. Section 3140.2-3 is amended in paragraph (a) by removing the cross-reference to 43 CFR 3572.1 (b) and (c) and replacing it with 43 CFR 3592.1, in paragraph (b) by removing from the third sentence thereof the cross-reference to 43 CFR 3572.1(c) and replacing it with 43 CFR 3592.1(c), by removing from the fourth sentence the word "supervisor" and replacing it with the words "authorized officer," and by removing from the sixth sentence the word "supervisor" and replacing it with the words "authorized officer," in paragraph (g)(1) by removing the words "the supervisor shall notify" and the words "who" and "then" from the first sentence, and in paragraphs (g) (2), and (3) by removing from the one place it appears in each paragraph the word "supervisor" and replacing it with the words "authorized officer."

§ 3140.3-2 [Amended]

10. Section 3140.3-2 is amended by removing both of the commas and the phrase "with the advise (sic) of the supervisor."

§ 3140.4-1 [Amended]

11. Section 3140.4-1 is amended by removing from the end of paragraph (a) the word "supervisor" and replacing it with the word "authorized officer."

§ 3140.7 [Amended]

12. Section 3140.7 is amended by removing the cross-reference after the first sentence thereof to "§ 3103.4-1 of this title" and replacing it with "43 CFR 3100.0-3(g)(4)".

PART 3141—[AMENDED]**Subpart 3141—Competitive Leasing in Special Tar Sand Areas**

13. The authority citation for subpart 3141 continues to read:

Authority: 30 U.S.C. 181 et seq., 351 et seq., 43 U.S.C. 1701 et seq., 95 Stat. 1070.

14. Section 3141.0-8(a) is revised to read as follows:

§ 3141.0-8 Effect of existing regulations.

(a) The following provisions of part 3100 of this title, as they relate to competitive leasing, apply to the issuance and administration of combined hydrocarbon leases issued under this part.

- (1) All of subpart 3100, with the exception of § 3100.3-2;
- (2) The following sections of subpart 3101: §§ 3101.1-1, 3101.2-1, 3101.2-2, 3101.2-4, 3101.2-5, 3101.7-1, 3101.7-2, and 3101.7-3;
- (3) All of subpart 3102;
- (4) All of subpart 3103, with the exception of §§ 3103.2-1, those portions of 3103.2-2 dealing with noncompetitive leases, and 3103.3-1 (a), (b), and (c);
- (5) All of subpart 3104;
- (6) All of subpart 3105;
- (7) All of subpart 3106, with the exception of § 3106.1(c);
- (8) All of subpart 3107, with the exception of § 3107.7;
- (9) All of subpart 3108; and
- (10) All of subpart 3109, with special emphasis on § 3109.2(b).

§ 3141.0-8(b) [Amended]

15. Section 3141.0-8(b) is amended by removing the cross-reference to "43 CFR 3572.1" and replacing it with "43 CFR 3592.1."

§ 3141.2-1 [Amended]

16. Section 3141.2-1 is amended by removing the cross-reference to "subpart 3045" and replacing it with "part 3150."

§ 3141.2-2 [Amended]

17. Section 3141.2-2 is amended by removing the cross-reference in paragraph (b)(4) to 43 CFR 3572.1(a) and

replacing it with 43 CFR 4392.1(a), and by removing from paragraph (e)(3) the phrase "after consultation with the Mining Supervisor".

§ 3141.4-2(b) [Amended]

18. Section 3141.4-2(b) is amended by removing the cross-reference to "§ 3109.5-2(e)" and replacing it with "§ 3109.2(b)."

19. Section 3141.5-3 is amended by removing from paragraph (b) thereof the cross-reference to "§ 3103.3-7" and replacing it with "§ 3103.4-1," by removing from paragraph (d) the cross-reference to "subpart 3103.3" and replacing it with "§§ 3103.2 and 3103.3," and by revising paragraph (a) to read as follows:

§ 3141.5-3 Royalties and rentals.

(a) The royalty rate on all combined hydrocarbon leases is 12½ percent of the value of production removed or sold from a lease. The Minerals Management Service shall be responsible for collecting and administering royalties.

20. Section 3141.6-2 is amended by revising the beginning of the third sentence to read as follows:

§ 3141.6-2 Publication of a notice of competitive lease offering.

* * * The notice shall specify the time and place of sale, * * *.

21. Section 3141.6-7 is revised to read as follows:

§ 3141.6-7 Consideration of next highest bid.

The Department reserves the right to accept the next highest bid if the highest bid is rejected. In no event shall an offer be made to the next highest bidder if the difference between his/her bid and that of the rejected successful bidder is greater than the one-fifth bonus forfeited by the rejected successful bidder.

PART 3160—ONSHORE OIL AND GAS OPERATIONS

22. The authority citation for part 3160 is revised to read as follows:

Authority: The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 et seq.); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Act of May 31, 1930 (30 U.S.C. 301-306); the Act of March 3, 1909, as amended (25 U.S.C. 396); the Act of May 11, 1938, as amended (25 U.S.C. 396a-396q); the Act of February 28, 1891, as amended (25 U.S.C. 397); the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a-398e); the Act of June 30, 1919, as amended (25 U.S.C. 399); R.S. 441 (43 U.S.C. 1457); Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property

and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4331 et seq.); the Act of December 12, 1980 (42 U.S.C. 6508); the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and the Indian Mineral Development Act of 1982 (25 U.S.C. 2102 et seq.).

PART 4100—GRAZING ADMINISTRATION—EXCLUSIVE OF ALASKA

23. The authority citation for part 4100 is revised to read as follows:

Authority: 43 U.S.C. 315, 315a–315r, 43 U.S.C. 1701 et seq., 43 U.S.C. 1901 et seq., 43 U.S.C. 1181d.

24. Part 4100 is amended by removing the parenthetical authority citations that are found at the end of §§ 4100.0–1, 4100.0–2, 4100.0–3, 4100.0–5, 4110.1, 4110.1–1, 4110.2–1, 4110.2–3, 4110.3–3, 4110.4–2, 4110.5, 4120.3, 4120.3–1, 4120.3–2, 4120.3–3, 4120.3–4, 4120.3–6, 4120.3–7, 4120.4, 4130.1, 4130.1–1, 4130.1–2, 4130.2, 4130.3, 4130.4, 4130.4–1, 4130.5, 4130.6, 4130.6–1, 4130.6–2, 4130.6–3, 4130.7, 4130.7–1, 4130.7–2, 4130.7–3, 4130.8, 4140.1, 4150.2, 4150.3, 4150.4–1, 4150.4–2, 4150.4–3, 4160.1–1, 4160.1–2, 4160.2, 4160.3, 4160.4, and 4170.1–2.

PART 9180—CADASTRAL SURVEY

25. The authority citation for part 9180 is revised to read as follows:

Authority: R.S. 2478; 43 U.S.C. 1201; 40 Stat. 965, as amended; 43 U.S.C. 773.

§§ 9180.0–3, 9185.1–2, 9185.4–1, 9185.4–2, and 9185.4–3 [Amended]

26. Part 9180 is amended by removing the parenthetical authority citations that are found at the end of §§ 9180.0–3, 9185.1–2, 9185.4–1, 9185.4–2, and 9185.4–3.

PART 9260—LAW ENFORCEMENT—CRIMINAL

27. The authority citation for part 9260 continues to read as follows:

Authority: 16 U.S.C. 433; 16 U.S.C. 4601–6a; 16 U.S.C. 670g–n; 16 U.S.C. 1241–1249; 16 U.S.C. 1331 et seq.; 18 U.S.C. 3401; 18 U.S.C. 1851–1853; 43 U.S.C. 315 et seq.; 43 U.S.C. 315(a); 43 U.S.C. 1061–1064; 43 U.S.C. 1334; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1733.

§§ 9264.1, 9264.7, 9265.5, 9266.4, 9268.0–3, 9268.3, 9269.0–3, 9269.3–3, 9269.3–4, and 9269.3–5 [Amended]

28. Part 9260 is amended by removing the parenthetical citations appearing at the end of §§ 9264.1(k) (1) and (2); 9264.7; 9265.5 (a), (b), (c), (d) (1) and (2); 9266.4 (a) and (b); 9268.0–3; 9268.3(a), (a)(2)(ix), (a)(3)(iv)(B), and (a)(4).

(c)(1)(ii), (c)(3), (d)(1)(vi), (d)(2), (e)(1); 9269.0–3(b)(3); 9269.3–3(d), (d)(2)(iii); 9269.3–4(a)(1), (b) (1) and (2), (c) (1) and (2); and 9269.3–5(b)(1)(iii).

Dated: March 22, 1990.

James M. Hughes,

Deputy Assistant Secretary of the Interior.

[FR Doc. 90–7523 Filed 4–2–90; 8:45 am]

BILLING CODE 4310–84–M

pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: March 26, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90–7524 Filed 4–2–90; 8:45 am]

BILLING CODE 4310–40–M

43 CFR Public Land Order 6772

[ICA-943-00-4214-10; CACA-17454]

Withdrawal of Public Land for Indian Valley Reservoir Campground; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 15 acres of public land from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect the group campground at Indian Valley Reservoir. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: April 3, 1990.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, room E–2845, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916–978–4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, to protect the group campground at Indian Valley Reservoir:

Mount Diablo Meridian

T. 14 N., R. 6 W.,

Sec. 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and

SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 15 acres in Lake County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility: Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule; revised appendix.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the official Federal Poverty Income Guidelines as defined by the Department of Health and Human Services.

EFFECTIVE DATE: April 3, 1990.

FOR FURTHER INFORMATION CONTACT: Timothy B. Shea, General Counsel, Legal Services Corporation, 400 Virginia Avenue, SW., Washington, DC 20024–2571; 202–863–1823.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the official Federal Poverty Income Guidelines as defined by the Office of Management and Budget. Responsibility for revision of the official Federal Poverty Income Guidelines was shifted in 1982 from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1990 equivalent to 125% of the current official Poverty Income Guidelines as set out at 55 FR 5664 (Feb. 16, 1990) are set forth below:

List of Subjects in 45 CFR Part 1611

Legal services.

PART 1611—ELIGIBILITY

1. The authority citation for part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of part 1611 is revised to read as follows:

APPENDIX A OF PART 1611.—LEGAL SERVICES CORPORATION POVERTY GUIDELINES¹

Size of family	All states but Alaska and Hawaii ²	Alaska ³	Hawaii ⁴
1.....	\$7,850	\$9,800	\$9,037
2.....	10,525	13,150	12,112
3.....	13,200	16,500	15,187
4.....	15,875	19,850	18,262
5.....	18,550	23,200	21,337
6.....	21,225	26,550	24,412
7.....	23,900	29,900	27,487
8.....	26,575	33,250	30,562

¹ The figures in this table represent 125 percent of the poverty income level by family size as determined by the Department of Health and Human Services.

² For family units with more than eight members, add \$2,675 for each additional member in a family.

³ For family units with more than eight members, add \$3,350 for each additional member in a family.

⁴ For family units with more than eight members, add \$3,075 for each additional member in a family.

Dated: March 22, 1990.

Timothy B. Shea,
General Counsel.

[FPR Doc. 90-7532 Filed 4-2-90; 8:45 am]

BILLING CODE 7050-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 201 and 203

[Docket No. R-126]

RIN 2133-AA20

Procedures Relating to the Conduct of Certain Hearings Under the Merchant Marine Act

AGENCY: Maritime Administration, DOT.
ACTION: Final rule.

SUMMARY: This final rule provides a new part to MARAD's regulations that supplements current Rules of Practice and Procedure, 46 CFR part 201, and deals specifically with hearings and proceedings conducted pursuant to sections 605(c) and 805(a) of the Merchant Marine Act, 1936, as amended (Act). This final rule clarifies and codifies those situations where MARAD has used alternative procedures, in appropriate circumstances, to the

conduct of an oral evidentiary hearing to render more timely decisions. This final rule also specifies criteria for the right of parties to intervene in these proceedings. Additionally, this final rule amends 46 CFR part 201 to reflect the new procedures and ensure that all interested parties are given notice of the changes.

EFFECTIVE DATE: This rule is effective May 3, 1990.

FOR FURTHER INFORMATION CONTACT:

Murray A. Bloom, Chief, Division of Maritime Aids, Office of the Chief Counsel, Maritime Administration, Department of Transportation, room 7232, 400 Seventh Street SW., Washington, DC 20590, (telephone: (202) 366-5320).

SUPPLEMENTARY INFORMATION: On May 11, 1989, MARAD published in the *Federal Register* (54 FR 20402) a notice of proposed rulemaking to revise and supplement the current Rules of Practice and Procedure. Public comment on the proposed rulemaking was invited, with the comment period ending on June 26, 1989.

MARAD received comments from ten interested parties. Comments were received from three unsubsidized liner carriers operating in the domestic service, one unsubsidized tug and barge carrier operating in the foreign and domestic service, two subsidized liner carriers operating in the foreign service, one unsubsidized liner carrier operating in the foreign and domestic service, one unsubsidized liner, tug, and barge carrier operating in the foreign and domestic service, one subsidized tanker carrier operating in the foreign service, and one unlicensed seafarers union. Also, as MARAD stated in the notice of proposed rulemaking, comments received concerning a change in policy governing procedures under section 605(c) (Docket S-829, 53 FR 17134) have been incorporated in this final rule. MARAD received four comments on Docket S-829. Comments were received from three subsidized liner carriers operating in the foreign service and one unsubsidized liner carrier operating in the foreign and domestic service.

All comments were carefully considered and the substance of each is grouped below under the specific sections of the rule.

Discussion

Section 203.2(b)—Applications

Two unsubsidized liner carriers operating in the domestic service supported the requirement for more detailed applications under section 805(a). However, one said that the regulation should be modified to specify

that the required description of the applicant's proposed or existing domestic service will also define the scope of the written permission sought under section 805(a). This commenter stated that it has found in several recent cases that the scope of section 805(a) permission sought has not been clearly stated in the application. Additionally, this commenter stated that the regulation needed to be modified to take into consideration the special circumstances involved in a section 805(a) application for an affiliation of a domestic operator with a subsidized operator where there are two sets of operations subject to evaluation, both of which need to be described; accordingly, an affiliation application for affiliation under section 805(a) should be required to include both (1) a description of the applicant ODS contractor's own subsidized vessel operations, and (2) a description of the proposed affiliates domestic operation.

The unsubsidized tug and barge carrier operating in the foreign and domestic service said 805(a) applications should provide information about financial or operating structure to ensure no improper diversion of subsidy to vessels operating in the domestic trade. One unsubsidized liner carrier operating in the foreign and domestic service suggested requiring applicants to identify subsidized and unsubsidized operation in the 36 months preceding the date of application.

One subsidized liner carrier operating in the foreign service said 605(c) applicants should show total commercial cargo moving on the trade route and their own anticipated increase in carriage on that route.

Response: MARAD agrees that the application for written permission under section 805(a) should provide more details about the domestic service which is the subject of written permission sought under section 805(a). Therefore, MARAD intends to propose a revision of 46 CFR part 380, subpart A, to require the submission of sufficient information to describe in detail the existing or proposed new domestic service, including such items as the names and types of vessels operated or to be operated, itineraries, frequency of service, vessel utilization, volume of cargo carried or projected to be carried and U.S.-flag competitors in the service.

Additionally, the regulation to be proposed would also require the applicant to affirm that if the application is allowed, the applicant will not permit the diversion, directly or indirectly, of any moneys, property, or other things of value, used in foreign trade operations.

for which subsidy is paid, into any domestic operation. It would also require the applicant to agree that if the application is allowed, MARAD would have the right to examine and audit annually all relevant books, records and accounts in order to ensure compliance with the prohibition against subsidy diversion.

Section 203.3(a)—Opposition to Applications—Required Documents

One unsubsidized liner carrier operating in the domestic service requested that a minimum of 20 days be given to file an answer.

Response: MARAD agrees and has changed this section to provide 20 days to file.

Section 203.3(b)—Opposition to Applications—Petition for Leave to Intervene

One unsubsidized liner carrier operating in the domestic service and one unsubsidized tug and barge carrier operating in the foreign and domestic service said the elements required for a petition for leave to intervene are unfair because the applicant does not have the same burden. The unsubsidized tug and barge carrier operating in the foreign and domestic trades also said the requirement to list sailing frequency and ports of call over 36 months should be shortened to 12 months.

One subsidized liner carrier operating in the foreign service said § 203.3(b)(4), listing some actions considered in the past as evidence that a carrier has real plans to initiate a service, should only be a guideline because judicial and administrative decisions are controlling.

Another subsidized liner carrier operating in the foreign service said the petition to intervene needs information permitting identification and exclusion of cargo movements accomplished in part by foreign-flag vessels. This commenter said an intermodal objector should be required to state its average annual carriage for the past 36 months, outbound and inbound, on the trade route proposed. The commenter suggests that the Administration or the applicant can compute the percentage of cargo moving on the entire trade route and the approximate probable impact upon the objector of the additional cargo that would be carried by the applicant if the application is granted. In order to keep any dispute about cargo movement on an orderly procedural track, the applicant should be required in its application to show total commercial cargo moving on the trade route and its own anticipated increase in carriage. If the intervention concerns protecting vessels serving the same U.S. ports or

range, then the pre-1987 analysis of cargo movement between U.S. coastal range and foreign countries should be used. In a petition to intervene the objector should be required to show its carriage in the trade so defined, as should the applicant in its reply.

Response: Because applicants must provide the detailed information required by the new Form MA-964, MARAD believes intervenors are not overly burdened by the requirements of this section. MARAD disagrees that the vessel sailing information should be shortened to 12 months. MARAD's historical practice has been to require sailing frequencies and ports of call for 36 months. The only change is that this information is now required at an earlier stage in the proceeding.

MARAD agrees that the actions listed in this section, which in the past were considered as evidence that a carrier has firm and definite plans to initiate service, are only a guideline. MARAD will continue to apply appropriate judicial and administrative decisions.

In circumstances where cargo carried by a U.S.-flag vessel is on-carried by a foreign-flag feeder vessel to the ultimate destination, MARAD has considered only the actual service by the U.S.-flag vessel in compiling trade data for section 605(c) proceedings. Under existing procedure, MARAD looks at cargo data on the basis of areas covered by the application and not the areas served by vessels opposing the application. MARAD sees no need to change this procedure. MARAD agrees that an intermodal objector should be required to state its average annual carriage for the past 36 months on the trade route proposed and has revised the final rule to reflect this addition.

Section 203.3(c)—Opposition to Applications—Answer

One unsubsidized liner carrier operating in the domestic service said an intervenor is overly burdened by the pleading requirements which, it alleges, shift the burden of proof from the applicant, thereby showing the intervenor's position on this issue. One unsubsidized liner carrier operating in the foreign and domestic service said requiring the intervenor to answer each factual and legal matter raised, without discovery, and then have that answer constitute the only opportunity to present evidence, does not comport with existing MARAD rules and regulations. One subsidized liner carrier operating in the foreign service found the section overly mechanized. That commenter said evidentiary facts and conclusions of fact should be distinguished because

a dispute over conclusions of fact should not require a hearing.

Response: As noted previously, MARAD believes intervenors are not overly burdened by the pleading requirements because applicants must now provide the detailed information required by the new Form MA-964. MARAD disagrees that the rule shifts the burden of proof to potential intervenors. The rule does not shift the ultimate burden of persuasion on the question of whether or not to grant additional service; it rests with the applicant. The rule only details what is expected of an intervenor as part of its burden of coming forward with information in support of its opposition to the application.

With the new application Form MA-964, additional discovery should not normally be required. MARAD has broad discretion in determining the extent of discovery to which a party is entitled.

The Federal Rules of Civil Procedure do not apply and the Administrative Procedure Act (A.P.A.) does not provide for discovery. *Pacific Gas & Electric Co. v. F.E.R.C.*, 746 F.2d 1383, 1387 (9th Cir. 1984). An agency is bound by its own rules and must ensure its procedures meet due process requirements. *McClelland v. Andrus*, 606 F.2d 1278, 1285-86 (D.C. Cir. 1979).

Under the new rule, if disputed issues of material fact are involved which cannot be resolved on the basis of available information of record, the case may be referred for an oral evidentiary hearing where, under MARAD's Rules of Practice and Procedure, discovery is allowed "[u]pon request of any party showing good cause therefor * * *." 46 CFR 201.109. (Emphasis added.)

Section 203.3(d)—Opposition to Applications—Right To Intervene in Opposition to Applications

Many commenters felt the proposed rule unduly limits standing. One subsidized tanker carrier operating in the foreign service was concerned that standing under section 605(c) would be unlawfully limited to liners because bulk vessels in a spot market would not be able to show sailings and specific port calls for the prior 36 months on a particular route, even though bulk vessels may compete with liners carrying preference cargo with operating-differential subsidy (ODS). The unlicensed seafarers union said this section would deny its members standing to participate in section 805(a) proceedings and would be counter to the purpose of the Act because vessel crews are within its zone of protection. This

commenter and an unsubsidized foreign and domestic liner, tug and barge operator said standing is a statutory right that cannot be limited through rulemaking but only by legislative action. Additionally, the operator said the rulemaking is not good policy because these issues are currently the subject of major legislative proposals.

One unsubsidized liner carrier operating in the domestic service said the rule should be modified to allow a domestic carrier to invoke or initiate a section 805(a) hearing when a competitor in the domestic trade previously granted section 805(a) authority seeks subsidy on an additional foreign route. This commenter said the rule should provide that a decision involving an application to serve one foreign trade with subsidy is not dispositive of a subsequent application to serve another trade. One unsubsidized liner carrier operating in the domestic service said the rule inappropriately restricts 805(a) standing by construing the substantive rule regarding "unfair competition to any exclusively domestic operator" as a rule of standing. This commenter said that once standing is established, an intervenor may raise any relevant issue and therefore § 203.3(d)(2) should be deleted. One subsidized liner carrier operating in the foreign service said that to be granted section 605(c) standing a "competing" carrier must be providing a liner service.

As summarized below, many commenters discussed standing for intermodal competitors and the effects of the case, *American Transport Lines v. Burnley*, No. 87-2390 (D.D.C. March 22, 1988) [hereinafter *Amtrans*].

One subsidized liner carrier operating in the foreign service objected to incorporating the comments in Docket S-829 in this rule because of the lack of opportunity to readdress any misunderstanding of their prior comments when the final rule is published. This commenter opposed any change in standing requirements for intervenors in section 605(c) proceedings based on the *Amtrans* decision. This commenter stated that the *Amtrans* decision should not apply to applications which relate to the current trade routes contained in an ODS contract until and unless those contracts are amended to include the redesignated trade routes. One unsubsidized liner carrier operating in the foreign service said this rulemaking is unnecessary because the *Amtrans* decision is self-executing and applies to any 605(c) hearing, either under the existing or proposed rules and supports standing

for intervenors based on intermodal competition. One subsidized carrier operating in the foreign service said granting standing to intermodal competitors will allow unlimited litigation. It takes the position that, in *Amtrans*, the District Court reversed the Maritime Subsidy Board's denial of standing solely because the Board did not explain sufficiently its reasons. Therefore, it maintains, the Board can explain that its longstanding policy of denying standing to carriers whose vessels do not serve the same coastal range is not vitiated by an expanded definition of trade route. This commenter argued that the Board erroneously stated that the *Amtrans* Court granted standing when the issue is still in fact open. This commenter stated that ODS is covered by title VI of the Act which is concerned exclusively with vessel operation and not cargo carriage, and therefore standing depends on vessel competition. This commenter believes intermodal standing "turns upon whether 'the character of cargo carried' be taken in its natural meaning to relate to cargo characteristics (as bulk or breakbulk) or, by expanding 'character of cargo' to include origin and destination, to cargo that did not move through the ports or ranges served." This commenter further said that MARAD decisions show that cargo competition alone does not give 605(c) standing to one who does not operate vessels in an all water competing service on the same coastal range. They argue that this proposed rule would overturn previous Board decisions, such as *Lykes Bros. SS Co.—Petition for Minibrige Rulemaking*, 16 SRR 1645 (1976), and that this can only be done by legislation. The commenter stated that if MARAD goes forward anyway, intervention should only be allowed after a convincing showing of substantial competition.

Response: MARAD understands the differences between bulk and liner vessels and will take them into consideration in granting leave to intervene. However, MARAD still needs to know the trade of the bulk vessels of proposed intervenors to see if they are actually competitive.

With regard to intervention of shipboard personnel and their representatives, it should be clearly understood that MARAD does not intend, by this rule, to alter past practice and precedent. Leave to intervene in opposition to applications under section 805(a) will be granted, as clearly spelled out in the statute, to "every person, firm, or corporation having any interest in such application."

MARAD does not agree that intervention under sections 605(c) and 805(a) is a statutory right of any and all persons. The right to intervene is limited to those parties providing an existing essential service or those having firm and definite plans to provide a service under section 605(c) and those parties operating in the coastwise trade with which a section 805(a) application, if granted, would result in unfair competition or those parties properly raising the objects and policy issue under section 805(a). In this rule MARAD does not intend to further limit intervention beyond the statutory limitations, but rather to structure procedures and enhance its ability to conduct orderly and expeditious proceedings.

MARAD is aware of current legislative proposals which may impact on these issues. This rulemaking has been undertaken to reduce the regulatory burden on operators and clarify the alternative procedures available to provide a hearing where required by statute. If changes are later made through legislation, MARAD will be amend its regulations accordingly.

MARAD believes that a domestic carrier does not have an inherent right to initiate or invoke a section 805(a) hearing when a competitor who has been granted section 805(a) authority seeks subsidy on an additional foreign route. Once an 805(a) application is granted, MARAD will not generally review that approval when the subsidized services of the applicant may change.

While there may be limits on the issues that an intervenor may raise, MARAD does not intend in § 203.3(d)(2) to impose such limits. The purpose of that section is simply, as explained above, to describe the statutory relief which may be sought by certain parties.

MARAD understands that it may generally be true that to be granted section 605(c) intervention with regard to an application for liner service, a "competing" carrier will be providing a liner service. However, MARAD needs the flexibility to review all of the pertinent circumstances, such as the possibility that a carrier, while not providing regular liner service, does serve the area with liner-type vessels and may therefore be "competing" with the service proposed.

MARAD disagrees with some of the commenters' interpretation of the *Amtrans* decision. The Court in *Amtrans* found sufficient interest in the application by an intermodal competitor, and to the extent the decision overturns prior Board

decisions, those decisions no longer have precedential value. In MARAD's view, *Amtrans* requires the grant of leave to intervene where the objector is an operator of U.S.-flag vessels, and only to the extent that such person provides an existing service, or that such person has firm and definite plans to provide a service, by a showing that its vessels operate in the same trade or on the same trade route as that proposed by the applicant and so operate in a manner competitive with the specific service proposed by the applicant. Although persons seeking intervention need not call the same specific ports proposed by the applicant by direct vessel calls, any filing in opposition to an application based on intermodal service shall demonstrate that such person regularly carries cargo moving to or from ports in the service proposed by the applicant.

This language regarding intervention by intermodal competitors has been revised slightly from that originally proposed in consideration of comments by two subsidized liner carriers.

Those commenters correctly pointed out that section 605(c), which governs competitors' objections to the award of subsidy, is centered on operation of vessels, not on cargo carriage. Section 605(c) relates to a contract "with respect to a vessel to be operated in an essential service." No contract shall be made "with respect to a vessel" if it would give undue advantage among citizens "in the operation of vessels in such essential service" unless it is necessary to provide "adequate service by vessels of United States registry." MARAD's long-standing precedent firmly establishes the rule that cargo competition alone does not warrant section 605(c) intervention by one who does not operate vessels in an all-water competing service on the same trade route. For example, in *Lykes Bros. Steamship Co., Inc.*, Docket No. A-109, 16 SRR 1645 (MSB 1976), the Maritime Subsidy Board held, " * * * the Act is addressed to all water operation of vessels, and not to carriage of particular types of cargo involving land movements." Id. at 1653. "[T]he terms of the statute thus exclusively address operation of vessels on ocean services between ports." Id. at 1654. The redesignation of essential trade routes under Docket No. R-111 was not intended to disturb this holding. See, e.g., *Lykes Bros. Steamship Co., Inc.*, 24 SRR 808, 809 (MSB 1988); *Waterman Steamship Corp.*, 24 SRR 398, 399 (MSB 1987).

Nor did the *Amtrans* decision disturb this holding. In *Amtrans*, the court found

with regard to the Board's failure to grant leave to intervene, "the Board gave no clear explanation for its departure from its longstanding policy of considering a service competing on the same trade route as a subsidy applicant as having a direct competitive interest for purposes of section 605(c)." Mem. Op. at 3. MARAD's policy is also that leave to intervene as to a trade route proposed to be served by an applicant is not granted unless the intervenor can demonstrate a "more than incidental or de minimis" competitive service. *Lykes Bros. Steamship Co., Inc.*, Docket No. S-451, 5 MA 77, 81 (MSB 1978). Since each of the redesignated trade routes now encompass the entire United States, a presumption is not viable that service anywhere in the United States is competitive with the service proposed by the applicant. Such competition must be demonstrated by the proposed intervenor. Moreover, in view of the analysis presented above, such competition must relate to the ports within the area described by the application. MARAD will not consider competition for cargo from its origin to its destination. MARAD's charge under section 605(c) is only to view competition for cargo moving between ports.

It should be noted that unless an application is for service on an entire trade route, the question of adequacy under section 605(c) will be addressed with regard to the scope of the service actually sought. Again, leave to intervene will be granted only to the extent a proposed intervenor is competitive with the service sought by the applicant.

MARAD finds no merit to the objection by a commenter to MARAD's consideration of comments previously in Docket S-829. This rulemaking procedure provided adequate opportunity for commenters to readdress their prior comments in Docket S-829 as they might have felt appropriate.

Section 203.4—Replies

One subsidized liner carrier operating in the foreign service said 10 days for replies was too short and recommended it be changed to 30 days. Another subsidized liner carrier operating in the foreign service noted that the "background" discussion of this section states that decisions on the grant or denial of standing "are final administrative actions and may be directly appealed to the Secretary" but that there is no corresponding provision in the regulation. This commenter said that the background section should be silent because if it were seen as part of

the rule it would allow interlocutory appeals from the grant or denial of intervention and slow down the hearing process.

Response: MARAD believes 10 days should be adequate for a reply.

Consistent with prior practice, MARAD will, as appropriate, grant necessary extensions upon a showing of good cause.

MARAD considers a denial (but not a grant—in this respect the discussion of this in the NPRM was in error) of leave to intervene to be a final administrative action, which may be appealed to the Secretary, when that decision is made by the Administration. If the issue of intervention is decided by an ALJ, that decision would not be final, and not directly appealable to the Secretary, but would be considered an initial decision that would go to the Administration for a final decision. In the event of a denial of leave to intervene by an ALJ, interlocutory appeal could be taken to the Administration. This is consistent with MARAD's Rules of Practice and Procedure, 46 CFR 201.158, 201.167 and the APA, 5 U.S.C. 557.

Section 203.5(a)—Oral Evidentiary Hearings—Requirement That There Be Disputed Issues of Material Fact—Submission of Extensive Evidence

One subsidized liner carrier operating in the foreign service said an oral evidentiary hearing should not be required if there is no disputed issue of material fact, even though the submission of extensive evidence may be necessary. The commenter said there is a difference between evidentiary facts and conclusions of law and this section should be revised to reflect that point.

Response: MARAD agrees that an oral evidentiary hearing is not required if there is no disputed issue of material fact. In addition, the burden of demonstrating that there is a disputed issue of material fact is upon the party seeking the hearing or show-cause proceeding. However, MARAD believes that the Administration should retain the flexibility to convene an evidentiary hearing in cases other than those involving disputed issues of material fact, such as those cases involving significant policy issues.

Case law is clear that an oral evidentiary hearing is not required when there are only issues concerning conclusions of law and not evidentiary facts. MARAD believes that this section does not need revision to reflect that point. See, *Sea-Land Service, Inc. v. United States*, 683 F.2d 491 (D.C. Cir. 1982); *Sierra Ass'n For Environment v.*

F.E.R.C., 744 F.2d 661 (9th Cir. 1984); *Kansas Power & Light Co. v. F.E.R.C.* 651 F.2d 1479 (D.C. Cir. 1988).

Section 203.5(c)—Hearings: Show Cause Proceeding

One unsubsidized liner carrier operating in the domestic service expressed concern that section 805(a) hearings will be limited to an exchange of briefs, disclosing no disputed issues of material fact, prior to any opportunity for discovery. This commenter requested that when a protestant's answer identifies areas which in discovery could reveal facts to justify opposition, either (i) an evidentiary hearing be held or (ii) discovery with an opportunity to supplement the protestant's answer be allowed. The unlicensed seafarers union and one unsubsidized foreign and domestic trade liner operator suggested show cause procedures are already allowed under MARAD's Rules of Practice and Procedure. They said the existing rules are appropriate and the real problems are failure of administrative law judges to control proceedings, dilatory tactics by counsel, motion filing time, and delays in decision making.

The unsubsidized liner carrier operating in the foreign and domestic service also objected to the proposed show cause proceeding because there is (1) no provision to challenge the Board's initial determination to process the application in a summary fashion, (2) no provision to object to any lack of specificity in the application prior to submitting an answer, (3) no provision for discovery to test the adequacy of details of the application, (4) no provision to test representations made by the applicant, and (5) no provision for interlocutory appeal to the Secretary of Transportation of any denial requested in (1) or (2) above to stay the proceedings. This commenter also said the idea of "official notice" is only addressed in the context of an oral evidentiary hearing at § 201.160 of MARAD's Rules of Practice and Procedure where parties can object to, and the Presiding Officer rules on, officially noticing any proffered document. One subsidized liner carrier operating in the foreign service suggested that tentative decisions should indicate reasons for tentative conclusions and omit decisions of immaterial matters. This commenter also said the statement in the supplemental information section of the proposed rule that "an ODS operator *** may still be subject to the hearing requirements *** should it wish to *** include vessels of a significantly different type in its current service," is

overbroad because section 605(c) does not compel a hearing when significantly different vessels are substituted in the normal course of replacement of obsolete vessels.

Response: Show cause proceedings are a significant procedural tool to eliminate expenditure of time and resources on testimony and cross-examination which is unnecessary where no material issue of fact remains in dispute. MARAD has evaluated the comments on show cause proceedings and continues to believe that the advantages for streamlining the hearing process outweigh the potential disadvantages for the process.

MARAD does not agree that the hearing process will be limited to an exchange of briefs, disclosing no disputed issue of material fact, without an opportunity for discovery. An agency is required by the A.P.A. to ensure a "full and true disclosure of the facts." 5 U.S.C. 556(d). If an answer reveals disputed issues of material facts, the Administration can request additional information from the parties to resolve the issue if possible or hold an oral evidentiary hearing, where discovery is available under 46 CFR 201.109.

MARAD agrees that the current Rules of Practice and Procedure permit, but do not explicitly authorize, show cause proceedings. However, MARAD believes an orderly procedure, rather than an *ad hoc* one, will help ensure timely decisions. MARAD believes that these procedures will still allow for flexibility and discretion by the Administration.

A party may challenge a Board's initial determination to process an application in a summary fashion by filing comments within 30 days of publication of the tentative decision. There should normally not be an objection to the application due to lack of specificity because the new Form MA-964 will require detailed information on which to submit an answer. As explained in the response to comments on § 203.3(c), discovery is not provided for by the A.P.A. and the Federal Rules of Civil Procedure do not apply. Representations made by the applicant can be tested and challenged in the answer. An interlocutory appeal would not be appropriate in challenges to an initial determination by the Board to use summary proceedings or inability to object to lack of specificity in the application prior to submitting an answer because these are initial determinations of the Board that may be commented on within 30 days of publication in the Federal Register.

The idea of "official notice" is addressed in MARAD's Rules of Practice and Procedure, but MARAD disagrees that official notice can only be used in the context of an oral evidentiary hearing. The A.P.A. states that "[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence of record, a party is entitled *** to an opportunity to show the contrary." 5 U.S.C. 556(e). This rule provides for opportunity to comment and rebut the Administration's tentative conclusions within 30 days of its publication. The Administration can elect to hold an oral evidentiary hearing on some or all issues, direct submission of briefs on legal issues, and/or hold oral argument prior to issuing its final decision. These procedures ensure "that when an agency takes official or administrative notice of facts, a litigant must be given an adequate opportunity to respond." *Heckler v. Campbell*, 461 U.S. 458, 469 (1983). In addition, these procedures are not so different from the requirements in MARAD's Rules of Practice and Procedure at 46 CFR 201.160 which state:

*** where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision, and any party, on timely request, shall be afforded an opportunity to show the contrary.

It is MARAD's intention to include the reasoning for any tentative decision in such decision. MARAD does not intend to make decisions on matters that are not material to the underlying decision.

MARAD does not agree that the statement that "an ODS operator *** may still be subject to the hearing requirements *** should it wish to *** include vessels of a significantly different type in its current service" is overboard. The Administration's precedent has been to approve additional service, without a hearing, only if the purpose is substitution in the normal course of replacement of obsolete vessels. This practice has been judicially determined to be "perfectly reasonable." *Sea-Land Service, Inc. v. Dole*, 651 F.Supp. 1345, 1349 (D.D.C. 1986).

Section 203.6—Hearings Before One or More Members

One unsubsidized liner, tug and barge carrier operating in the foreign and domestic service said a fair hearing requires that at least a majority of the members be present at an oral or evidentiary hearing.

Response: As discussed in the SUPPLEMENTARY INFORMATION section to

the proposed rule, due process does not require a majority of members present at an oral argument or an oral evidentiary hearing. Additionally, the A.P.A. only requires that "[t]here shall preside at the taking of evidence * * * (2) one or more members of the body which comprises the agency * * *." 5 U.S.C. 556(b)(2). Due process is satisfied if there is a complete record available to all members on which to base their decision. *Anniston Mfg. Co. v. Davis*, 301 U.S. 337 (1937); *Porter & Dietsch, Inc. v. F.T.C.*, 605 F.2d 294 (7th Cir. 1979), cert. denied, 445 U.S. 950 (1980); *Gearhart & Otis, Inc. v. S.E.C.*, 348 F.2d 798, reh'g denied (D.C. Cir. 1965). See 3 K. Davis, "Administrative Law Treatise" sec. 17-2 (2d ed. 1980).

The provision in this rule that a decision may be rendered, in limited circumstances, solely upon written submissions arises from recognition that an agency has "substantial flexibility to structure the hearings it must provide * * *." *Sea-Land Service, Inc. v. U.S.*, 683 F.2d 491, 195 (D.C. Cir. 1982); accord *Railroad Com'n of Texas v. U.S.*, 765 F.2d 221, 228 (D.C. Cir. 1985). If only "legislative" facts and policy are involved, sufficient due process may be provided by a "paper" hearing. See, e.g., *Buttrey v. U.S.*, 690 F.2d 1170, 1177 (5th Cir. 1982).

The Supreme Court, in *Mathews v. Eldridge*, 424 U.S. 319 (1976), set out three considerations to balance in determining how much "process" is "due," as follows: (1) The private interest that will be affected by the official action; (2) the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement questions of law, policy, discretion or broad and general facts, it is difficult to see what additional insights an oral evidentiary hearing will bring over written submissions; and the Administration's would entail. Clearly, both the applicants and intervenors have strong "private interests" in applications under sections 605(c) and 805(a); If "paper" hearings are limited to resolving mandate to foster a sufficient merchant marine gives support to the Government's interest in early resolution of matters arising under the Act over delay for unnecessary procedures.

Analysis of Regulatory Impact

This regulation has been reviewed under Executive Order 12291, and it has been determined that this is not a major

rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

While this rulemaking does not involve any change in important Departmental policies, it is considered significant because of substantial public interest in the award or amendment of ODS contracts. However, because the economic impact should be minimal, further regulatory evaluation is unnecessary. Moreover, the Maritime Administration certifies that this regulation will not have a significant impact on a substantial number of small entities.

This regulation does not significantly affect the environment and an environmental impact statement is not required under the National Environment Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

This regulation does not contain any collection of information which would require approval pursuant to the Paperwork Reduction Act of 1980 because the information collection addresses nine or fewer persons. (46 U.S.C. 3506)

List of Subjects

46 CFR Part 201

Administrative practice and procedure.

46 CFR Part 203

Administrative practice and procedure, Maritime carriers.

Accordingly, 46 CFR chapter II is amended as follows:

PART 201—RULES OF PRACTICE AND PROCEDURE

A. Part 201 is amended as follows:

1. The authority citation for part 201 continues to read as follows:

Authority: Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Reorganization Plan No. 7 of 1961, 26 FR 7315; Department of Commerce Order No. 117 (Rev.).

2. Section 201.1 is revised to read as follows:

§ 201.1 Scope of rules.

The regulations in this part govern practice and procedure before the Maritime Administration and Maritime Subsidy Board (as described in 49 CFR 1.66 and 1.67), hereinafter referred to collectively as the "Administration," under the Merchant Marine Act, 1920, as amended, Merchant Marine Act, 1936, as amended, Merchant Ship Sales Act, 1946, Administrative Procedure Act, and related Acts. In addition, certain proceedings under sections 605(c) and 805(a) of the Merchant Marine Act, 1936, as amended, shall be conducted in accordance with part 203 of this chapter except as may be provided otherwise by the Administration.

3. Section 201.2 is revised to read as follows:

§ 201.2 Mailing address; hours.

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part should be addressed to "Secretary, Maritime Administration, Department of Transportation, Washington, DC 20590." The Office of the Secretary, Maritime Administration, including the public document reading room, located in room 7300, 400 Seventh Street, SW., Washington, DC 20590, is open from 8:30 a.m. to 5:00 p.m.

B. A new part 203 is added to read as follows:

PART 203—PROCEDURES RELATING TO CONDUCT OF CERTAIN HEARINGS UNDER THE MERCHANT MARINE ACT, 1936, AS AMENDED

Sec.

- 203.1 Scope of rules.
- 203.2 Applications.
- 203.3 Opposition to applications.
- 203.4 Replies.
- 203.5 Types of hearings.
- 203.6 Oral evidentiary hearing before one or more members.

Authority: Secs. 204(b), 605(c) and 805(a), Merchant Marine Act, 1936, as amended (46 U.S.C. app. 1114(b), 1175(c) and 1223(a)).

§ 203.1 Scope of rules.

(a) The provisions of this part apply to applications which involve statutorily mandated hearings under sections 605(c) and 805(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. app. 1175(c), 1223(a)), hereinafter referred to as the "Act", conducted by the Maritime Administrator or Maritime Subsidy Board of the Maritime Administration, hereinafter referred to collectively as the "Administration".

(b) The provisions of this part are to be construed consistently with the Administration Rules of Practice and

Procedure in 46 CFR part 201. If this part and 46 CFR part 201 conflict, this part shall govern.

§ 203.2 Applications.

(a) Notice of all applications subject to this part shall be published in the *Federal Register*, in accordance with the provisions of 46 CFR 201.72.

(b) All applications under section 605(c) of the Act shall specify, at a minimum, full details of the existing or proposed new or amended service, to include itineraries and the number and type of vessels currently operated in the trade or trade route, the number and type of vessels proposed to be operated in the trade or trade route, the frequency of sailings and port calls and the nature and extent of U.S.-flag and any foreign-flag competition. As a matter of discretion, the Administration may request additional information, which may be protected by a confidentiality ruling, if justified. If the application is one for additional service on a route in which the applicant has an established service, or for an existing service, then the applicant must include information on its previous three years of operation. Applicants for permission under section 805(a) of the Act must describe clearly the scope of permission sought, including details of proposed domestic service and existing or proposed foreign service, as well as the applicant's operating structure.

(c) Applications under section 605(c) of the Act shall be filed on Form MA-964, in accordance with the instructions annexed thereto. Copies of Form MA-964 may be obtained on request from the Secretary of the Administration.

(d) Applications for permission under section 805(a) of the Act shall be submitted in accordance with the procedures set forth in 46 CFR part 380, and shall comply with all of the requirements of that part.

§ 203.3 Opposition to applications.

(a) *Required documents.* A person seeking to oppose an application shall file with the Secretary of the Administration, and concurrently serve upon the applicant, a petition for leave to intervene, together with an answer, within the time period specified in the *Federal Register* notice of the application. Normally, twenty days will be provided.

(b) *Petition for leave to intervene.* The petition for leave to intervene shall specify the basis upon which such person asserts a right to intervene and shall set forth with particularity:

(1) The number and type of U.S.-flag vessels currently operated by the person seeking intervention in the trade or

trade route to which the application pertains.

(2) The frequency of sailings of vessels operated by such person in the trade or trade route to which the application pertains in the 36 calendar months immediately preceding the date of the application.

(3) The specific ports of call conducted by such person in the trade or trade route to which the application pertains in the 36 calendar months immediately preceding the date of the application.

(4) The average annual carriage by such person for the past 36 months on the trade route to which the application pertains.

(5) If applicable, specific information detailing firm and definite plans for the inauguration of a new service, including, as appropriate, but not limited to, approval by the board of directors or general partners, membership in applicable conference agreements, office openings or the retention of agents in the proposed service area, acquisition of vessels and related equipment, subsidy applications, applications for any needed Government approvals or advertisement for the proposed service.

(6) Such other information as the person believes should be considered in a determination of such person's right to intervene.

(c) *Answer.* (1) The answer shall be simultaneously filed with the petition for leave to intervene and shall specify the basis upon which such person asserts the application should be denied or granted subject to modifications.

(2) The answer shall set forth with particularity:

(i) The ground upon which opposition is based;

(ii) The factual matters which such person believes must be determined by the Administration;

(iii) The legal matters which such person believes must be determined by the Administration;

(iv) For each factual and legal matter raised such person's position and basis therefor; and

(v) The precise nexus between each factual and legal matter raised and the decision of the Administration.

(d) *Right to intervene in Opposition to applications.* (1) Leave to intervene in opposition to applications under section 605(c) of the Act will only be granted to operators of U.S.-flag vessels, and only to the extent, as demonstrated by the petition for leave to intervene, that such person provides an existing service, or that such person has firm and definite plans to provide a service, by a showing that its vessels operate in the same trade or on the same trade route as that

proposed by the applicant and so operate in a manner competitive with the specific service proposed by the applicant. Although persons seeking intervention need not call at the same specific ports proposed by the applicant by direct vessel calls, any filing based on intermodal service in opposition to an application shall demonstrate that such person regularly competes by intermodal service for cargo moving to or from ports in the service proposed by the applicant. The burden of demonstrating competition between the vessels of the person seeking intervention and those of the applicant will be with the person seeking such intervention. Leave to intervene will not be granted to those conducting a competing service on an intermittent or de minimis basis.

(2) Leave to intervene in opposition to applications under section 805(a) of the Act will be granted, as provided in the statute, to every person, firm, or corporation "having any interest" in such application.

§ 203.4 Replies.

Within ten (10) days after the date for filing answers, the applicant may file a reply specifically addressed to the issues raised in the answers and to oppose the grant to any petitioner of leave to intervene.

§ 203.5 Types of hearings.

(a) *Oral Evidentiary Hearing:* If, upon review of the application, answers, petitions to intervene and replies, the Administration determines that the proceeding involves a disputed issue of material fact which cannot be resolved on the basis of available information of record, and that the case is anticipated to involve the submission of extensive evidence, or the Administration determines that it is otherwise appropriate, the Administration may issue an order referring the case to an Administrative Law Judge for oral evidentiary hearing. Such hearing shall be conducted in accordance with the procedures set out in 46 CFR part 201. The Administration may resolve issues of intervention in such order or refer such issues to the Administrative Law Judge. The burden of establishing that there is a disputed issue of material fact is upon the party seeking the oral evidentiary hearing.

(b) *Hearing on Submission of Written Evidence and Argument:* If, upon review of the application, answers, petitions to intervene and replies, the Administration determines that the proceeding involves a disputed issue of material fact which cannot be resolved

on the basis of available information of record, but which is not anticipated to involve the submission of extensive evidence, the Administration may fulfill the hearing requirement in sections 605(c) and 805(a) of the Act by rendering a decision solely on the merits of papers submitted, provided that a full and true disclosure of the facts is made and such procedure is fair to all parties. The Administration may, in its discretion, direct the submission of briefs on legal issues together with evidence in written form, and/or the holding of oral argument before the Administration prior to issuing its final decision on the proceeding.

(c) *Show Cause Proceeding*: If, upon review of the application, answers, petitions to intervene and replies, the Administration determines that the proceeding does not or is not likely to involve a disputed issue of material fact or that if such facts exist they can be resolved on the basis of available information subject to official notice, and if the case is not anticipated to involve the submission of extensive evidence, the Administration may determine to handle the matter by show-cause proceeding. In that event, it will issue a decision setting out its tentative conclusions on all of the matters of fact and law at issue in the proceeding. A Notice summarizing such decision shall be published in the *Federal Register* in accordance with 46 CFR 201.72. Interested persons may file comments, including support or rebuttal for any matter officially noticed, within 30 days of the date of service of the tentative decision and responses to such comments shall be filed within ten days thereafter unless a shorter or longer period is provided by the Administration for such comments and answers.

§ 203.6 Oral evidentiary hearing before one or more members.

If an oral evidentiary hearing is to be conducted, the Maritime Administration, or the Maritime Subsidy Board or one or more of its members, may conduct such hearing. A member who is not present at the hearing may participate in the consideration and the decision of the case where the oral evidentiary hearing, if held, has been stenographically recorded in full and transcribed for the member's review.

Dated: March 29, 1990.

By Order of the Maritime Administrator/
Maritime Subsidy Board.

James E. Saari,
Secretary.

[FR Doc. 90-7593 Filed 4-2-90; 8:45 am]
BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 94

[PR Docket No. 88-191; FCC 90-61]

Private Operational-Fixed Microwave Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The FCC is adding the release date of March 6, 1990 in the preamble for the Report and Order which appeared in the *Federal Register* on March 15, 1990 (55 FR 9727).

FOR FURTHER INFORMATION CONTACT:
Michael A. Lewis, Private Radio Bureau (202) 632-6940.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 94

Private operational-fixed microwave service radio.

Dated: March 28, 1990.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 90-7522 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-86; RM-6604]

Radio Broadcasting Services; San Rafael, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 264A for Channel 265A at San Rafael, California, and modifies the Class A license of Marin Broadcasting Company, Inc. for Station KTID-FM, as requested. See 54 FR 17771, April 25, 1989. Coordinates for this proposal are 37-59-25 and 122-29-58. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT:
Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-86, adopted March 12, 1990, and released March 26, 1990. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for California, is amended for San Rafael by removing Channel 265A and adding Channel 264A.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-7506 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-235; RM-6279]

Radio Broadcasting Services; Corcoran and Kernville, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 272B1 for Channel 272A at Corcoran, California, and modifies the permit for Station KLCZ(FM), accordingly, at the request of Radio Corcoran, Inc. Additionally, Channel 273A substituted for Channel 272A at Kernville, California, and the license of Kern Valley Broadcasting Co., Inc. for Station KKRV(FM), is modified accordingly to accommodate the Corcoran modification. Channel 272A at Mendota, California, is deleted. See 53 FR 23422, June 22, 1988. Coordinates for Channel 272B1 at Corcoran, California, are 36-06-33 and 119-22-55. Coordinates for Channel 273A at Kernville are 35-37-21 and 118-26-16. Coordinates for former Channel 272A at Mendota are 36-48-21 and 120-19-45. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT:
Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-235, adopted March 12, 1990, and released March 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73—[AMENDED]

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for California, is amended by removing Channel 272A and adding Channel 272B1 at Corcoran, by removing Channel 272A and adding Channel 273A at Kernville, and by removing Mendota, Channel 272A.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FRC Doc. 90-7508 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-41; RM-6550]

Radio Broadcasting Services; Oskaloosa and Perry, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Jomast Corporation, substitutes Channel 285C2 for Channel 285A at Oskaloosa, Iowa, and modifies its license for Station KOSK(FM) to specify operation on the higher powered channel. In addition, the license of Perry Broadcasting Company for Station KDL5 is modified to specify operation on Channel 269A in lieu of its presently licensed Channel 285A. Channel 285C2 can be allotted to Oskaloosa and Channel 269A can be allotted to Perry in compliance with the Commission's minimum distance separation requirements and the channels can be

used at the present transmitter sites of Stations KOSK(FM) and KDL5, respectively. The coordinates for Channel 285C2 at Oskaloosa are North Latitude 41-19-15 and West Longitude 92-38-44. The coordinates for Channel 269A at Perry are North Latitude 41-49-58 and West Longitude 94-02-15. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-41, adopted March 13, 1990, and released March 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments, is amended by adding Channel 285C2 and removing Channel 285A at Oskaloosa, Iowa, and adding Channel 269A and removing Channel 285A at Perry, Iowa.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FRC Doc. 90-7512 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-412; RM-6735]

Radio Broadcasting Services; Rayville, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 222C2 for Channel 222A at Rayville, Louisiana, in response to a petition for rulemaking filed by Ken

Diebel, Delta Communications, Ltd. We shall also modify the license for Station KTJC(FM), Rayville, to specify operation on Channel 222C2 in lieu of 222A. The coordinates for Channel 222C2 are 32-14-15 and 91-33-50.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-412, adopted March 13, 1990, and released March 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Louisiana by removing Channel 222A and adding Channel 222C2 at Rayville.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FRC Doc. 90-7507 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-343, RM-6761]

Radio Broadcasting Services; Dresden, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 236A to Dresden, Tennessee, as that community's first local FM service, at the request of Valley View Broadcasting, Inc. See 54 FR 33250, August 14, 1989. Channel 236A can be allotted to Dresden in compliance with the Commission's minimum distance separation requirements with a site

restriction of 3.4 kilometers (2.1 miles) south of the city. The coordinates are 36°15'39" and 88°42'29". With this action, this proceeding is terminated.

DATES: Effective May 11, 1990: The window period for filing applications will open on May 14, 1990, and close on June 13, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-343, adopted March 12, 1990, and released March 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Tennessee, by adding Dresden, Channel 236A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-7509 Filed 04-02-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-342; RM-6740]

Radio Broadcasting Services; Monahans, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 271C for Channel 271C1 at Monahans, Texas, and modifies the license of Station KWES(FM) to specify operation on the higher powered channel, at the request of Rusk Corporation. See 54 FR 33250, August 14, 1989. This action provides Monahans and its surrounding area with expanded FM service. The restricted site coordinates are 31°57'55" and 102°46'10".

With this action, the proceeding is terminated.

EFFECTIVE DATE: May 11, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-342, adopted March 12, 1990, and released March 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended, under Texas, by removing Channel 271C1 and adding Channel 271C at Monahans.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-7511 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-559; RM-6351]

Radio Broadcasting Services; Aberdeen, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 257C1 for Channel 257A at Aberdeen, Washington, and modifies the license of Station KAYO(FM) to specify operation on the higher class channel at the request of KAYO Broadcasting. See 54 FR 51308, December 14, 1989. The channel substitution can be accomplished at Station KAYO(FM)'s present transmitter site in compliance with section 73.207 of the Commission's Rules. The coordinates are 46°56'59" and 123°49'13". Concurrence of the Canadian government has been obtained for the allotment. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 11, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-559, adopted March 12, 1990, and released March 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended, under Washington, by adding Channel 257C1 and removing Channel 257A at Aberdeen.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-7510 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 900373-0073]

Northeast Multispecies Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice.

SUMMARY: NOAA issues this notice of management actions taken under the Flexible Area Action System (FAAS) specified in Amendment 3 to the Northeast Multispecies Fishery Management Plan (FMP). This is the second FAAS action (FAAS #2) considered since implementation of Amendment 3 and it affects an area described as the Southern New England/Mid-Atlantic Region Closed Area. This notice: (1) Imposes a 5 1/2-inch minimum mesh size from February 15, 1990, through February 28, 1990, and

from June 1, 1990, through August 13, 1990; and (2) closes the western portion of the area to fishing from March 1, 1990, through April 1, 1990. The intended effect of this action is to reduce fishing effort and mortality on juvenile yellowtail flounder found in high concentrations in this area at this time.

EFFECTIVE DATES: February 15, 1990, through August 13, 1990.

ADDRESSES: A copy of the NMFS Northeast Regional Director's (Regional Director) factfinding report and the New England Fishery Management Council's (Council) impact analysis may be requested from the New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01960.

FOR FURTHER INFORMATION CONTACT: Jack Terrill (NMFS, Resource Policy Analyst), 508-281-9252.

SUPPLEMENTARY INFORMATION: This action is taken under Section 651.26 of the rule implementing Amendment 3 to the FMP. Amendment 3 was approved by the Secretary on November 24, 1989, with the regulations effective on December 19, 1989 (54 FR 52803). Section 651.26 specifies a FAAS to protect concentrations of juvenile, sublegal or spawning fish. As part of this process, the Regional Director initiates a factfinding investigation of an apparent discard problem and the Council provides an impact analysis of alternative measures which might be implemented under this action.

A notice of initiation of this FAAS #2 process was published on January 19, 1990 (55 FR 1853). The notice informed the public that there was a problem with sublegal yellowtail flounder discards in the vicinity of the area designated as the Southern New England/Mid-Atlantic Region Closed Area and that the Multispecies Committee of the Council was considering managing the area through a combination of a minimum mesh size of 5 inches in the time periods immediately preceding and following a closure of the entire area for the time period already specified in § 651.21(b). The early closure of the western portion of this area will result in the entire area being closed from March 1, 1990, through May 31, 1990. Alternative measures being considered were a minimum mesh size of 5½ inches instead of 5 inches or the closure of all or part of the area for the entire time period. The notice specified that the required reports would be available on January 24, 1990, and that written comments on the action would be accepted until February 1, 1990, at which time a public hearing on the matter would be held.

There are several mesh restrictions already in place for this fishery. However, at present there are no minimum mesh requirements for the Southern New England/Mid-Atlantic Region Closed Area. This action will require minimum mesh of 5½ inches in all net gear capable of catching groundfish.

Under existing regulations, the Southern New England/Mid-Atlantic Region Closed Area may be reopened after May 1 by notice in the *Federal Register*, when the Regional Director, after consultation with the Council, determines that the closure has achieved the appropriate spawning level for yellowtail and winter flounder. The exceptions contained in § 651.21(b)(3) apply under existing regulations and to the expanded area closed by this action.

Factfinding Report

The Regional Director's Factfinding Report was made available to the public on January 24, 1990, and summarized the results of the verification of the discard problem. The study was conducted by the Sea Sampling Investigation of the NMFS Northeast Fishery Center (NEFC) and the report used information gathered from three trips made into the area, and from the port agents of the Fishery Statistics Investigation of the NEFC.

High discards of yellowtail flounder in the area were initially reported in October, and continue to date. Reports by fishermen to the port agents indicate that the smaller fish have been moving west, and are currently in an area south of Noman's Island, Massachusetts, to south of Block Island, Rhode Island. From these reports, it appears that the rate of discard of sublegal fish is the highest in this area, and decreases as one moves east toward the Nantucket Lightship. The discarded yellowtail flounder are reported by fishermen to be between 12 and 13 inches in length and full of roe. Unfortunately, the three recent sea sampled trips all fished east of Noman's Island and were not able to confirm this information first hand.

The three sea-sampled trips all fished in mid-January and used nets with codends of 5-inch diamond mesh or 5½-inch square mesh. Neither net had a codend liner, and all trips targeted yellowtail. The discard rate with the 5½-inch codend was higher than with the 5-inch codend, but the difference can be explained by the differences in gear and by the fact that the towing times with the 5½-inch codend were almost double the towing times with the 5-inch codend. Discards by weight were 33 to 42 percent, comprised of fish of between 30 to 33 cm (11.5 to 13 inches); discards

by number were 65 to 68 percent of the yellowtail flounder. The report recommended biweekly monitoring of the area through the Sea Sampling Program to determine if the small yellowtail flounder were present in the area.

Impact Analysis

An impact analysis prepared by the Council was made available to the public on January 24, 1990. The report summarized the expected impacts of a closure of the area with the types of gear specified for a two-month time period.

The analysis was hampered by the following limitations:

(1) It was not possible to calculate how each alternative might improve the spawning stock biomass or the reproductive potential of yellowtail flounder or of any of the other major commercial species, particularly cod, caught in this area. This was the analysis' greatest limitation because it caused potential benefits, particularly from the area closure and 5½-inch mesh alternatives, to be underestimated relative to the estimated benefits of the proposed 5-inch mesh size.

(2) The sampling data and mesh selectivity data only indicated the proportion of the small fish in the area and the rate of escapement. The sampling data were only sufficient to confirm reports that there are large concentrations of small yellowtail flounder and cod in the area. It was not sufficient to determine changes in catch rates caused by increased abundance. Because there was no information on the level of fishing effort (i.e., the number of standard tows) it was not possible to calculate the amount of small fish which will be discarded or landed with different mesh sizes.

(3) The impact analysis is limited by the fact that the latest landings data are from 1988, and species abundance and fishing effort almost certainly have changed since 1988.

ESTIMATED IMPACTS OF ALTERNATIVE ACTIONS

[In thousands of dollars]

Change in Exessel revenues	5-inch mesh and closure (Mar. 1-May 31)	5½-inch mesh and closure (Mar. 1-May 31)	Complete closure (Feb. 15-Aug. 13)
Groundfish vessels	496	-857	468
Scallopers	-8	-8	280
Subtotal ...	488	-865	188
Monitoring costs	0	0	0

ESTIMATED IMPACTS OF ALTERNATIVE ACTIONS—Continued

[In thousands of dollars]

Change in Exvessel revenues	5-inch mesh and closure (Mar. 1–May 31)	5½-inch mesh and closure (Mar. 1–May 31)	Complete closure (Feb. 15–Aug. 13)
Enforcement costs	–382	–382	–261
Total	106	–1,246	–73

The analysis determined positive benefits for the 5-inch mesh and March 1–May 31 closure alternative, due to the following reasons: (1) It had the lowest cost to fishermen in terms of immediate reductions in landings; (2) once the small yellowtail grow, a larger proportion of them will be caught within the next year with a smaller mesh size; and (3) because this alternative is essentially a mesh-size regulation, with the exception of the area closure in the western part of the Southern New England/Mid-Atlantic Region Closed Area, it has no immediate negative impact on scallopers.

The analysis showed a large negative impact for the 5½-inch mesh and March 1–May 31 closure alternative. While this alternative offered greater protection to both small yellowtail flounder and Atlantic cod, there were several reasons why the analysis showed lower net benefits than for the 5-inch alternative:

(1) A larger mesh size causes larger immediate reduction in landings of several species.

(2) Some of the small yellowtail which would escape the 5½-inch mesh but not the 5-inch mesh will be subject to natural mortality.

(3) Benefits from protecting small cod could not be included because historical landing patterns did not indicate that the small cod were likely to remain in the area long enough to benefit from the protection.

(4) Impacts cannot be projected beyond the period of the proposed action because it is impossible to estimate the percentage of fish that will survive fishing within that timeframe except under a complete closure.

The analysis of the complete closure (February 15–August 13) alternative also showed large negative impacts, although it also showed the greatest benefits in terms of increased yellowtail landings. The main reason for the negative results was the initial negative impact on trawlers and the negative impact it has on scallopers. Although negative impacts on scallopers were probably underestimated by arbitrarily basing them on 2 percent of the value of their historical landings, they were still

significant because of the large amount of scallops which have been landed in the western part of the area. Negative impacts on trawlers in terms of foregone revenues were estimated to be 50 percent of the value of their historical landings from the area. This amount is conservative in the sense that it is not much greater than the estimated 41 percent reduction in landings from increasing the mesh size to 5½ inches.

Public Comments

No written comments were submitted during the public comment period.

At the public hearing conducted by the Committee, several commenters expressed support for the proposed action but recommended a codend mesh size of 5½ inches rather than the smaller mesh. This was based on their recent experience of using 5½-inch square mesh in the area. A discussion ensued on the availability of square mesh and it was learned that net suppliers on the West Coast had supplies available; diamond mesh nets could be converted in approximately two hours.

Another fisherman offered an alternative of reducing the size of the area and having moving closures based upon where the fish actually were.

A representative of the New York State Division of Marine Resources commented that a closure of the entire area instead of a mesh requirement should be considered as it would provide the greatest protection, be more enforceable, and was supported by a recommendation of the Technical Monitoring Group.

A fisherman from Long Island requested that there be a size tolerance allowed due to the shrinkage over time of the yellowtail flounder caught. He further commented that, where yellowtail flounder caught off Long Island were of a slimmer shape, a 5½-inch mesh would be too large and few marketable fish would be retained.

Further discussion on implementation of a mesh requirement in Southern New England raised the concern of small mesh nets having to be stowed when vessels passed through the area and had yellowtail flounder aboard. It was suggested that one or more transit lanes be established to ease this requirement.

Committee Recommendation

Based upon the public comments, which indicated that there was less of a discard problem with a 5½-inch square mesh codend, the Committee recommended that instead of the 5-inch minimum mesh requirement proposed, it would be more appropriate to impose a 5½-inch mesh for that time when a mesh requirement is in place. The 5½-inch minimum mesh size would apply to the

codend of trawl nets if it were square or diamond mesh, or to the entire net if it were a gillnet. The Committee further recommended that the issue of transit lanes through the area be examined for appropriateness and enforceability.

Action

The Regional Director has accepted the Committee's recommendation and by this notice imposes the following measures:

Effective February 15, 1990, the following measures apply to vessels fishing in the area defined by the straight lines connecting the following points (Figure 1):

Point	Latitude	Longitude
A	40°33.5' N.	69°40' W.
N	40°26.5' N.	70°40' W.
O	40°40.5' N.	70°40' W.
P	40°30' N.	72°00' W.
Q	40°17.8' N.	72°00' W.
R	40°15.5' N.	72°20' W.
S	40°39' N.	72°20' W.
T	40°42' N.	72°00' W.
U	40°48.2' N.	72°00' W.
V	41°00' N.	70°49.5' W.
W	41°00' N.	70°30' W.
X	40°50' N.	70°30' W.
Y	40°50' N.	69°40' W.
A	40°33.5' N.	69°40' W.

(1) From February 15, 1990, through February 28, 1990, and after the date the area reopens under § 651.21(b)(2)(ii) until August 13, 1990, vessels fishing for and landing yellowtail flounder within the boundaries of the Southern New England/Mid-Atlantic Region Closed Area (Figure 1) are required to use a minimum 5½-inch mesh size in all net gear capable of catching groundfish (otter trawls, midwater trawls, gillnets). The 5½-inch mesh size will remain in effect as long as the Regional Director determines it is necessary, as a result of information received from the monitoring program or until August 13, 1990, whichever is earlier.

For trawl nets, the minimum mesh is required only in the codend (defined as 75 meshes from the terminus of the net); in gillnets, the minimum mesh size applies to the entire net. Mesh measurements will be of the stretched mesh between knots. Vessels fishing in the area with mesh smaller than 5½ inches may not have any yellowtail flounder, below deck, stored in baskets, or in totes on deck.

Vessels in the area with yellowtail flounder aboard and with nets less than the minimum size must have them stowed on board the vessel in conformance with the regulations. The regulations for regulated mesh areas stipulate that the nets must be not

available for immediate use: stored below deck, or stowed and lashed down on deck.

(2) From March 1, 1990, through 2400 hours on April 1, 1990, the portion of the area defined above west of 71°31'W. longitude will be closed. No person may fish within the area.

The Regional Director will be examining the possibility of allowing transit lanes through the area to relieve the stowage requirement and has requested comment on the issue. If it is determined that transit lanes are appropriate and enforceable, a *Federal Register* notice will be issued to notify the industry of this decision.

Other Matters

This action is authorized by 50 CFR part 651 and is consistent with the Magnuson Act and other applicable law.

This action complies with Executive Order 12291 and the Regulatory Flexibility Act (RFA). It falls within the limits of alternatives analyzed under Amendment 3 and as such neither constitutes a major rule under E.O. 12291 nor has a significant economic impact on a substantial number of small entities under the RFA. The regulatory

impact review/regulatory flexibility analysis of Amendment 3 anticipated this type of action. The Economic Impact Analysis prepared by the Council for this action supplemented the original analysis and concluded that the combination of 5½-inch mesh and expansion of the existing area closure offered significant protection to yellowtail flounder, although it also would result in the largest negative short-term impact as discussed above. This action is consistent with the objectives of Amendment 3 in providing long-term benefits by allowing concentrations of juveniles to reach maturity and contributing to recruitment, thereby increasing future landings of yellowtail flounder.

The Assistant Administrator finds for good cause that it is unnecessary to provide further public notice and opportunity to comment, under the provisions of section 553(b) of the Administrative Procedure Act (APA). A public hearing was held by the Council and there was opportunity to provide comments to the Regional Director. No comments were received by the Regional Director.

Under section 553(d) of the APA, the Assistant Administrator finds that the immediate need to reduce fishing effort and mortality of juvenile yellowtail flounder found in high concentrations in this area, constitutes good cause not to delay for 30 days the effective date of this action.

Because this action implements measures contemplated by Amendment 3, for which an environmental assessment was prepared to comply with the National Environmental Policy Act, this action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02-10.

This action does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 651

Fishing, Fisheries, Vessel permits and fees.

Dated: March 28, 1990.

James E. Douglas, Jr.,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

BILLING CODE 3510-22-M

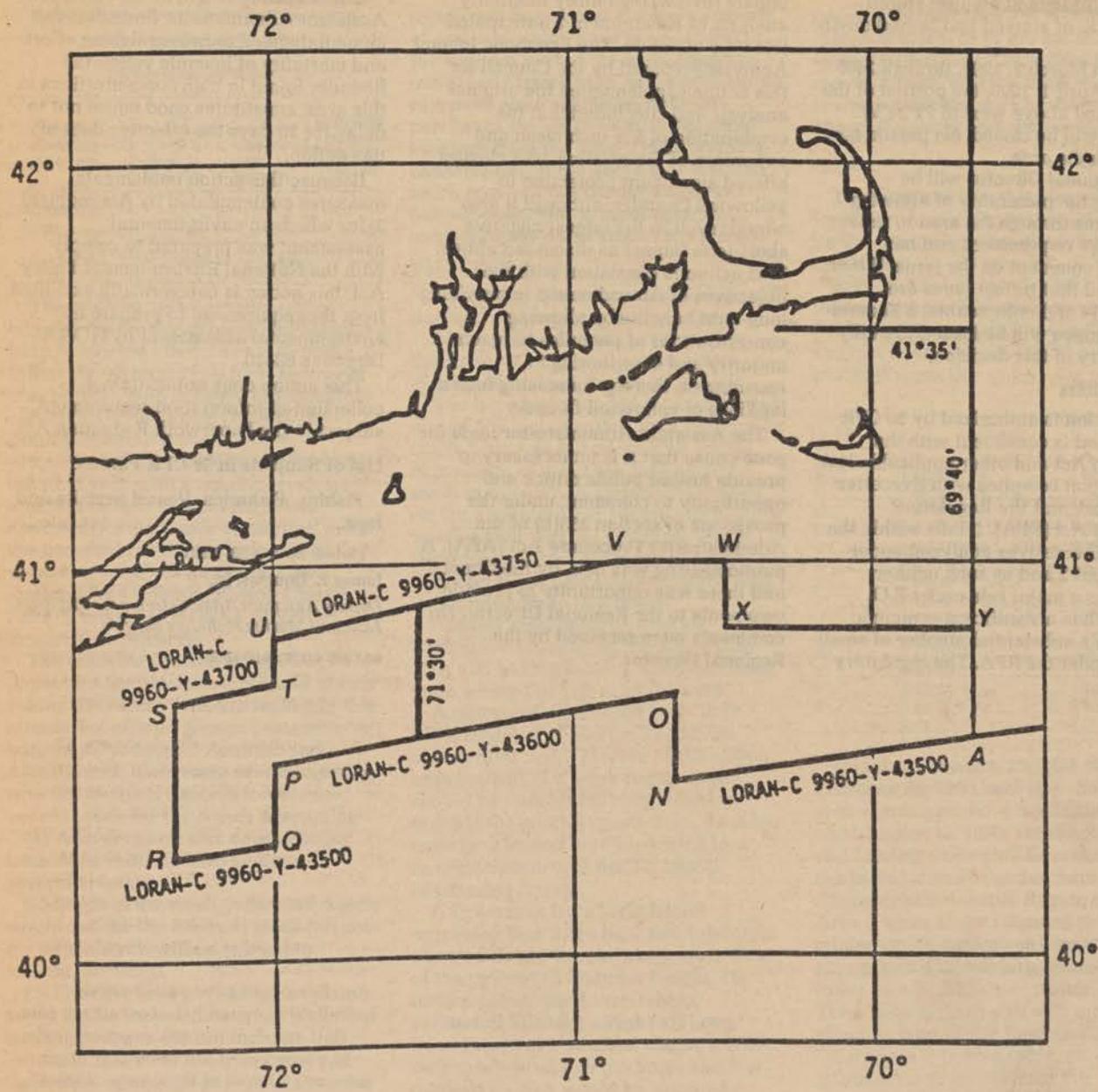


Figure 1. Southern New England/Middle Atlantic region closure.

Proposed Rules

This section of the **FEDERAL REGISTER** contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV-90-137PR]

Proposed Expenses and Assessment Rate for the Marketing Order Covering Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate for the 1990-91 fiscal year (August 1-July 31) under Marketing Order No. 905. The expenditures and assessment rate are needed by the Citrus Administrative Committee (committee) established under the marketing order to pay its expenses and collect assessments from handlers to pay those expenses. This proposed action would enable the committee to perform its duties and the marketing order to operate.

DATES: Comments must be received by May 3, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington,

DC 20090-6456; telephone: (202) 475-3918.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 100 citrus handlers subject to regulation under the marketing order covering fresh oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 13,000 producers of these fruits in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. A minority of these handlers and a majority of these producers may be classified as small entities.

This marketing order, administered by the U.S. Department of Agriculture (Department), requires that the assessment rate for a particular fiscal year shall apply to all assessable citrus fruit handled from the beginning of such year. An annual budget of expenses and assessment rate is prepared by the committee and submitted to the Department for approval. The committee

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members are handlers and producers of Florida citrus. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate appropriate budgets. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by the expected cartons (4/5 bushels) of fruit shipped. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. The annual budget and assessment rate are usually recommended by the committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committee will have funds to pay its expenses.

The committee met on February 27, 1990, and unanimously recommended a 1990-91 budget with expenditures of \$180,000, compared with \$185,000 budgeted for 1989-90. Proposed 1990-91 expenditures are comparable to those budgeted for 1989-90. The expenses are for program administration, including employee salaries, fringe benefits, travel, office rent and equipment, and miscellaneous costs.

The committee also unanimously recommended a 1990-91 assessment rate of \$0.0034 per 4/5-bushel carton of fresh fruit shipped. Based on estimated fresh shipments of 50,000,000 cartons, 1990-91 assessment income is expected to total \$170,000. Interest income for 1990-91 is estimated at \$2,600, while the budgeted deficit (\$7,400) is to be drawn from the committee's reserve. The 1989-90 assessment rate was \$0.0027. The assessment rate increase (\$0.0007) reflects a 10,000,000 carton reduction in estimated fresh shipments for 1990-91, compared with the 1989-90 estimate. A reserve in the neighborhood of \$90,000 is expected at the end of the 1989-90 fiscal year. This is well within the amount authorized under the order.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be

passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Based on the above, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 905 be amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New § 905.229 is added to read as follows:

§ 905.229 Expenses and assessment rate.

Expenses of \$180,000 by the Citrus Administrative Committee are authorized, and an assessment rate of \$0.0034 per 4/5 bushel carton of assessable fruit is established for the fiscal year ending July 31, 1991. Any unexpended funds from the 1989–90 fiscal year may be carried over as a reserve.

Dated: March 28, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–7547 Filed 4–2–90; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 927

[Docket No. FV-90-144 PR]

Winter Pears Grown in Oregon, Washington, and California; Proposed Increase in Expenses for 1989–90 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize an increase in expenditures for the Winter Pear Control Committee established under Marketing Order No. 927 for the 1989–90 fiscal year. The expenses would be increased from \$4,104,779 to \$4,501,022. The \$396,243 increase is necessary to expand market development and promotion activities to be undertaken by the committee in

marketing the record large 1989 winter pear crop.

DATES: Comments must be received by April 13, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Patrick Packnett, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone 202–475–3862.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order No. 927 (7 CFR Part 927) regulating the handling of winter pears grown in Oregon, Washington, and California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 87 handlers of Oregon, Washington, and California winter pears subject to regulation under this marketing order, and approximately 1,800 winter pear producers in these three states. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose

annual receipts are less than \$3,500,000. The majority of these handlers and growers may be classified as small entities.

A final rule establishing expenses in the amount of \$4,104,779 for the Winter Pear Control Committee for the fiscal period ending June 30, 1990, was published in the *Federal Register* on September 15, 1989 [54 FR 38201]. That action also fixed on assessment rate to be levied on winter pear handlers during the 1989–90 fiscal period. In a recently conducted mail ballot, the Winter Pear Control Committee voted unanimously to increase its budget of expenses from \$4,104,779 to \$4,501,022. The \$396,243 increase would cover expanded market development and promotion activities deemed necessary to market the record large 1989 winter pear crop. The crop is now estimated to be 13,064,173 boxes, up 1,432,913 boxes from the original estimate.

No change in the assessment rate was recommended by the committee. Because of the larger than expected crop, adequate funds are available to cover the proposed increase in expenses that may result from this action.

Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of 10 days is appropriate because the budget increase approval needs to be expedited. The committee needs, as soon as possible, to have authority to pay its expenses for the additional promotion and advertising activities needed to successfully market the larger than expected crop.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 927 be amended as follows:

PART 927—[AMENDED]

1. The authority citation for 7 CFR part 927 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

§ 927.229 [Amended]

2. Section 917.229 is amended by changing "\$4,104,779" to "\$4,501,022."

Dated: March 28, 1990.

William J. Doyle,

Associate Director, Fruit and Vegetable Division.

[FR Doc. 90-7548 Filed 4-2-90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138, and 1139

[DA-90-017]

Milk in Certain Marketing Areas; Advance Notice of Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Department of Agriculture plans to hold a national hearing to consider possible changes in the Federal milk marketing order program. The hearing will address major issues that are of concern to various segments of the dairy industry. Interested parties are being invited to submit proposals for possible inclusion in a hearing notice. The order program includes 41 milk orders and applies to about 70 percent of the nation's milk supply.

DATES: Proposals should be mailed by May 31, 1990.

ADDRESSES: Proposals (two copies) should be mailed to: Administrator, Agricultural Marketing Service, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-4829.

SUPPLEMENTARY INFORMATION: This invitation to submit proposals is made pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 (the "Act"), as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

Notice is hereby given that the Department of Agriculture is planning to hold a national hearing to consider possible changes in the Federal milk marketing order program. Before deciding what proposals to include in a hearing notice, the Department is

inviting members of the dairy industry and other interested parties to submit written proposals for consideration. Each proposal should be accompanied by a brief but comprehensive statement on the need for the proposal. The statement will be used in deciding whether the proposal should be considered at a hearing.

Proposals (two copies) should be mailed by May 31, 1990, to: Administrator, Agricultural Marketing Service, P.O. Box 96456, Washington, DC 20090-6456.

The hearing will address major issues that are of concern to various segments of the dairy industry. Although the full scope of the hearing has not yet been determined, proposals related to the following issues are requested:

1. The appropriate Class I price differential for each Federal order.
2. The possible use of multiple base points for determining the level of Class I differentials. Proposals should address (a) the number of base points to be used, (b) the locations of the base points, and (c) the Class I differential for each such base point.
3. The appropriate classification of milk concentrated through reverse osmosis technology (membrane filtration).
4. The pricing of reconstituted milk used for fluid milk (bottling) purposes. Proposals should address (a) the use of "down-allocation," (b) the rate of "compensatory payments," and (c) the application of these provisions to the various dairy products that may be used in making reconstituted milk.

5. The uses of milk that should be included in Class II under a three-class order and the appropriate Class II price differential. In this regard, the Department already has received the following proposals:

- (a) Define Class II uses of milk uniformly in all orders.
- (b) Specify that all skim milk and butterfat in bulk fluid milk and bulk fluid cream disposed of to any commercial food establishment be classified as Class II milk.
- (c) Set the Class II price at 50 cents per hundredweight over the basic formula price.
- (d) Have the Class II price be 50 cents per hundredweight above the Minnesota-Wisconsin (M-W) price for the preceding month.
- (e) Establish a Class II differential of \$1.00 over the M-W price for the second preceding month, reduce the Class I differential in all Federal orders by 20 cents per hundredweight, and provide location adjustment credits on shipments of Class II milk.

(f) Reduce the Class I differential in the Upper Midwest order by half of the current amount and add the difference to the Class II differentials of all orders.

(g) Price all milk at the Class I price level with noted exceptions such as butter, nonfat dry milk, condensed and evaporated milk, and cheddar and other cheeses over 90 days old.

Consideration also will be given to whether other issues of a national scope should be dealt with at the hearing, and proposals relating to such other issues are invited.

The hearing will be limited to the proposals included in the hearing notice. However, appropriate modifications of proposals included in the published notice may be offered at the hearing.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act." This act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most persons subject to a milk order are considered as a small business. Accordingly, within the scope of this hearing, interested persons are invited to submit hearing proposals that would carry out the intent of this act.

When the hearing notice is issued, all known interested persons will be mailed a copy of the notice. Anyone who desires to present evidence on proposals set forth in the hearing notice will have an opportunity to do so at the hearing.

Once a hearing notice is issued and until the issuance of a final decision, Department employees involved in the decisional process may not discuss the merits of a proceeding on an ex parte basis with any persons having an interest in the proceeding. Thus, it is suggested that any discussions that you may wish to have with Department personnel regarding hearing proposals be initiated soon. Procedural matters may be discussed at any time.

List of Subjects in 7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138, and 1139

Milk marketing orders.

Signed at Washington, DC., on March 29, 1990.

Daniel Haley,
Administrator.

[FR Doc. 90-7627 Filed 4-2-90; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150-AD53

Revisions to Procedures To Issue Orders

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) proposes to revise the Commission's procedures for issuing orders to include persons not licensed by the Commission but who are otherwise subject to the Commission's jurisdiction. The proposed revisions would more accurately reflect the Commission's existing statutory authority to issue orders than is presently the case. The proposed revision also would identify the types of Commission orders to which hearing rights attach.

DATES: The comment period expires on June 18, 1990. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be delivered to the Office of the Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. weekdays. Copies of any comments received may be examined and copied for a fee at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC between the hours of 7:45 a.m. and 4:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Mary E. Wagner, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-1683.

SUPPLEMENTARY INFORMATION:

Background

The procedures to be followed by the Commission to initiate formal enforcement action are found in the Commission's Rules of Practice set forth in 10 CFR part 2, subpart B. These actions include notices of violation, described in § 2.201, show cause orders, described in § 2.202, orders to modify licenses, described in § 2.204, and civil penalties, described in § 2.205.

Until 1983, with the exception of the civil penalty procedures in § 2.205, the language in these procedures referred solely to licensees. At that time, it was recognized that the Commission's regulations did not provide a procedural mechanism to issue a formal notice of violation to an unlicensed person (corporate or individual) who had violated Commission requirements. For example, by referring only to licensees, the procedures in § 2.201 did not address issuing a notice of violation to a person who possessed radioactive material without a license in violation of Commission requirements or an unlicensed person who violated provisions of 10 CFR part 21, which implements section 208 of the Energy Reorganization Act of 1974. Consequently, the Commission amended its regulations to permit the issuance of notices of violation to unlicensed persons who violated Commission requirements. Changes were published in the *Federal Register* on September 28, 1983 (48 FR 44170) to amend § 2.200 (Scope of subpart) and § 2.201 (Notice of violation) to add the phrase "or other person subject to the jurisdiction of the Commission."

As stated above, the provisions for issuing show cause orders only address licensees. In practice, the Commission has fashioned orders to non-licensees where necessary to compel a person to cease unauthorized activities that would require a license or to compel actions by a former licensee with respect to its activities previously under license. See e.g., *Michael F. Dimun*, 54 FR 12704 (March 28, 1989); *Pacific Armatechnica Corp.*, 48 FR 38356 (Aug. 23, 1983). The Commission's statutory authority to issue orders, which is found in Section 161 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201, is not limited solely to licensees. In fact, the Commission's Atomic Energy Act authority to issue orders is extremely broad, extending to any person (defined in section 11s to include, e.g., any individual, corporation, Federal, state and local agency) who engages in conduct within the Commission's subject matter jurisdiction. The few

court cases which deal with the scope of the general authority Congress has granted the Commission usually do so in a general discussion or in passing and conclude that section 161 confers uniquely broad and flexible authority on the Commission. See *Power Reactor Dev. Co. v. International Union of Elec. Radio and Mach. Workers, AFL-CIO*, 367 U.S. 396 (1961); *Connecticut Light and Power Co. v. Nuclear Regulatory Comm'n*, 673 F.2d 525, 527, n. 3 (D.C. Cir. 1982); *New Hampshire v. Atomic Energy Comm'n*, 406 F.2d 170, 173-74 (1st Cir. 1969); *Siegel v. Atomic Energy Comm'n*, 400 F.2d 779, 783 (D.C. Cir. 1968); but cf. *Reynolds v. United States*, 286 F.2d 433 (9th Cir. 1960) (interpreting section 161i in detail and holding, in the context of the AEC's bomb testing activities, that section 161i(3) authorized the AEC to take action to govern the activities of private licensees and not the activities of the Commission itself; the court's use of the word "licensee" is dictum with regard to the term in the context of this notice).

Cases analyzing the Federal Communications Commission's (FCC) enabling statute, which, in many ways, is analogous to the 1954 Act, also support the principle that the Commission's authority is broad in scope. The Federal Communications Act of 1934 (the 1934 Act) broadly authorizes the FCC to "make such rules and regulations, and issue such orders, not inconsistent with [the 1934 Act], as may be necessary in the execution of its functions", 47 U.S.C. 154i (1982). This provision is similar to section 161i(3) of the Atomic Energy Act of 1954, which authorizes the Commission to "prescribe such rules, regulations, and orders as it may deem necessary to govern any activity authorized pursuant to the [Atomic Energy Act of 1954] * * * in order to protect health and to minimize danger to life or property * * * 42 U.S.C. 2201(i)(3) (1982). A number of cases have analyzed section 154i in detail and determined that the FCC's ordering authority is necessarily broad. See *Federal Communications Comm'n v. National Citizens Committee for Broadcasting*, 436 U.S. 775 at 793 (1978); *United States v. Storer Broadcasting Co.*, 351 U.S. 192 at 203 (1955); *National Broadcasting Co. v. United States*, 319 U.S. 190 at 196 (1943); *Lincoln Telephone and Telegraph Co. v. Federal Communications Comm'n*, 659 F.2d 1092 (D.C. Cir. 1981); *American Telephone and Telegraph v. Federal Communications Comm'n*, 487 F.2d 865 (2d Cir. 1973); *GTE Service Corp. v. Federal Communications Comm'n*, 474 F.2d 724 (2d Cir. 1973); and *Western Union Telegraph Co. v. United States*,

267 F.2d 715, 722 (2nd Cir. 1959). It has been held that the FCC has authority to issue orders under section 154i to persons whether licensed or not. *United States v. Southwestern Cable*, 392 U.S. 157, 180-81 (1968).

Section 161i provides broad authority to issue orders as the Commission deems necessary to govern any activity authorized pursuant to the Atomic Energy Act in order to protect the public health and safety. Section 161b similarly authorizes the Commission to issue orders to establish standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material. As relevant here, section 161o authorizes the Commission to order reports as may be necessary to effectuate the purposes of the Act.

Given this broad statutory authority, it is appropriate to amend 10 CFR 2.202 to have the procedural mechanism in place to issue orders, as necessary, to unlicensed persons when such persons have demonstrated that future control over their activities subject to the NRC's jurisdiction is deemed to be necessary or desirable to protect public health and safety or to minimize danger to life or property or to protect the common defense and security. This amendment would revise § 2.202 to establish that mechanism both as to a licensee, as the current § 2.202 provides, and to any person subject to the jurisdiction of the Commission. Such a person includes, but is not limited to, a person who held a license or who was otherwise engaged in licensed activities at the time of the conduct in question, but who no longer holds a license or is so engaged.

In addition, the procedural mechanism for issuing orders to show cause, renamed demands to show cause by this rulemaking, to licensees and other persons would be set forth in a separate section in order to make it clear that the right to a hearing does not attach at the time of issuance of a mere demand for information; i.e., a demand that a person or licensee "show cause" why it should not be compelled to take or refrain from certain action. Orders, including orders to show cause, currently are issued under section 161 of the Atomic Energy Act of 1954, as amended, which are implemented by §§ 2.202 (order to show cause), and 2.204 (order for modification of license). In addition, civil penalty orders are issued under section 234, implemented by § 2.205 (civil penalties). NRC practice commonly has been to issue a single order, an order to show cause, which requires that certain information be provided to demonstrate why either a proposed or immediately

effective action modifying, suspending, or revoking a license should not be taken. The order affords a hearing with regard to these actions. While section 189 of the Atomic Energy Act provides for the granting of a hearing in connection with proceedings to modify, suspend, or revoke a license, neither the Act nor the Administrative Procedure Act would require a hearing in connection with an order to show cause which requires only the submission of information, but does not by its terms modify, suspend or revoke a license.

The Act does not explicitly set out the form or requirements for an order to show cause. The Act does, however, authorize the Commission to collect information pursuant to sections 161c and o and the Commission may issue show cause orders to implement this authority. Section 182 of the Act authorizes the Commission to request information from licensees and the Commission has implemented this authority by promulgating regulations such as 10 CFR 50.54(f). Licensees subject to Commission requests under 10 CFR 50.54(f) or its equivalent in other parts of the NRC's regulations have no hearing rights under the Act regarding these information requests.

Accordingly, to clarify that hearing rights do not attach to mere "show cause" demands for information, the Commission proposes to separate its current provisions on orders to show cause from the Commission's general ordering authority contained in § 2.202. To avoid any confusion with orders under revised § 2.202, such actions will be called "demands to show cause" and provisions concerning demands to show cause are set forth in a new § 2.204. Under the proposed rule, a demand to show cause will be issued only to require the submission of information. If a demand to show cause is issued as part of an order requiring action pursuant to § 2.202, hearing rights will be offered but only with respect to the provisions of the order requiring action. This revision to the regulations governing orders changes the rule in *Dairyland Power Cooperative*, LBP-80-26, 12 NRC 367, 370-72 (1980) and *Consumers Power Company*, CLI-73-38, 6 AEC 1082 (1973), by setting the point at which a "proceeding" begins for purposes of triggering the adjudicatory rights under section 189 of the Atomic Energy Act to the point of issuance of an order compelling a licensee or other person to take or refrain from certain actions rather than the point where the agency merely demands information to show why no action should be taken. The change in practice is consistent with

the Commission's power to define the scope of its proceedings. See *Bellotti v. NRC*, 725 F.2d 1380 (D.C. Cir. 1983).

In order to avoid unnecessary duplication in the regulations, it is proposed that the current § 2.204, "Order for modification of license," be deleted from part 2, since procedures for modification of a license are included in proposed § 2.202. Proposed § 2.202(f) provides that if the action ordered by the Commission constitutes a backfit of a part 50 licensee, the procedures described in 10 CFR 50.109 must be followed. This provision currently appears in the last sentence of § 2.204.

Section 2.202 is also revised to provide that if the licensee or other person to whom an order is issued consents to its issuance, or the order confirms actions agreed to by the licensee or such other person, such consent or agreement constitutes a waiver by the licensee or such other person of a right to a hearing and any associated rights. Such orders will be immediately effective. This is not a departure from current Commission practice, but merely conforms the Commission's regulations to such practice. Section 2.202(d) also provides that the licensee's or other person's agreement to an order must be in writing. The addition of this provision is intended to minimize the possibility of issuance of a confirmatory order (i.e., an order intended to confirm and bind a licensee to its commitments to certain actions) which does not accurately reflect the agreement reached by the parties. Whether or not the licensee or other person consents to any order, a person adversely affected by an order issued under § 2.202 to modify, suspend or revoke a license will be offered an opportunity for a hearing pursuant to section 189 of the Atomic Energy Act, consistent with current practice and the authority of the Commission to define the scope of the proceeding on an enforcement order. See *Bellotti v. NRC*, 725 F.2d 1380 (D.C. Cir. 1983). The Commission will continue to publish orders in the *Federal Register* in accordance with current practice.

The existing § 2.202 vests authority to issue orders in the Executive Director for Operations (EDO), and various staff office directors. Currently, the rule limits the EDO's authority to issue orders to emergency situations. Existing § 2.204 vests authority to issue orders in the Commission, though this authority has been delegated to staff officers. The revised rules consistently vest such authority in the Commission, leaving it to the Commission's internal delegation authority to delegate such authority to

others. This change will avoid the need to amend the regulations each time the title of one of the currently enumerated officials is changed, and it will also remove the unnecessary limitation on the EDO's authority.

The Commission is retaining, in new § 2.202(e), a provision that, upon a finding that the public health, safety or interest so requires or that the violation is willful, the proposed action may be made immediately effective, pending further proceedings on the order. A similar provision appears in current § 2.202(f) and § 2.204. Relief from the requirements of an immediately effective order, on the other hand, may be sought under the relaxation provisions contained in that order, or by motion to the Atomic Safety and Licensing Board or the Presiding Officer if a hearing has been requested.

The proposed rule also continues, in § 2.202(f), the backfitting requirements of § 50.109, including the provision therein that when immediately effective action is required, the documented evaluation may follow, rather than precede, the regulatory action.

Finally, consistent with the changes to §§ 2.202 and 2.204, § 2.1 is amended to specify that the scope of part 2 includes the issuance of orders and demands to show cause to unlicensed persons, and § 2.700 is amended to specify that subpart G (Rules of General Applicability) applies to all adjudications initiated by an order.

The proposed amendments are procedural in nature. They do not establish the substantive standards or conditions under which the NRC would issue an order to a licensed or an unlicensed person. The Commission is proposing, in a separate rulemaking published simultaneously with this rulemaking, a substantive addition to its regulations in order to put unlicensed persons on notice that they may be held accountable for willful misconduct which undermines, or calls into question, adequate protection of the public health and safety. Once the proposed rules are in effect, consistent with the Commission's statutory authority, there will be procedural rules governing the issuance of an order or demand to show cause not only to a licensee, as currently provided, but also to an unlicensed person who willfully causes a licensee to be in violation of Commission requirements or whose willful misconduct undermines, or calls into question, the adequate protection of the public health and safety in connection with activities regulated by the NRC under the Atomic Energy Act of 1954, as amended.

An example of a situation in which it might be appropriate to issue an order to an unlicensed person is where an employee of a corporate licensee might willfully cause that licensee to be in violation of Commission requirements such that the Commission does not have reasonable assurance that requirements to protect the public health and safety will be followed if that person continues to engage in activities licensed by the Commission. Depending on the circumstances in such cases, it might be appropriate to issue an order to such a person to either prohibit the person from being involved in activities licensed by the Commission or require the person to provide prior notice to the Commission before engaging in licensed activities. These types of conditions have been used by the Commission in settlement of litigation in accordance with 10 CFR 2.203. See *Edward Hines, Jr. Medical Center*, 27 NRC 477, ALJ-88-2 (October 7, 1988), and *Finlay Testing Laboratories, Inc.*, LBP-88-17, 27 NRC 586 (1988).

This rulemaking establishes the procedures to be used in issuing orders to licensed and unlicensed persons. The procedures establish the mechanism to provide notice of the issuance of an order and to resolve, through adjudication, whether a particular order is appropriate under the circumstances.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Regulatory Analysis

The existing regulations in 10 CFR 2.202 authorize the NRC, through its designated officials, to institute a proceeding to modify, suspend, or revoke a license by service of an order to show cause on a licensee. The regulations, as currently written, do not provide procedures for the NRC to take direct action against unlicensed persons whose willful misconduct causes a licensee to violate Commission requirements or places in question reasonable assurance of adequate protection of the public health and

safety, although such action is authorized by the Atomic Energy Act of 1954, as amended. The amendments will make the Commission's Rules of Practice more consistent with the Commission's existing statutory authority and provide the appropriate procedural framework to take action, in appropriate cases, in order to protect the public health and safety. The amendments also will make clear that hearing rights do not attach to demands to show cause, consistent with section 189 of the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act.

The proposed rule constitutes the preferred course of action and the cost involved in its promulgation and application is necessary and appropriate. The foregoing discussion constitutes the regulatory analysis for this proposed rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed rule establishes the procedural mechanism to issue orders and demands to show cause to unlicensed persons in addition to licensed persons, who were previously covered. The proposed rule, by itself, does not impose any obligations on entities including any regulated entities that may fall within the definition of "small entities" as set forth in section 601(3) of the Regulatory Flexibility Act, or within the definition of "small business" as found in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards found in 13 CFR part 121. Such obligations would not be created until an order is issued, at which time the person subject to the order would have a right to a hearing in accordance with the regulations.

Backfit Analysis

This proposed rule does not involve any new provisions which would impose backfits as defined in 10 CFR 50.109(a)(1). Accordingly no backfit analysis pursuant to 10 CFR 50.109(c) is required for this proposed rule.

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special

nuclear material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 2.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Sec. 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97-425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200-2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948-951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i) (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600-2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C are also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241, (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91-560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99-240, 99 Stat. 1842 (42 U.S.C. 2021b *et seq.*).

2. Section 2.1 is revised to read as follows:

§ 2.1 Scope.

This part governs the conduct of all proceedings, other than export and import licensing proceedings described in part 110, under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, for:

(a) Granting, suspending, revoking, amending, or taking other action with

respect to any license, construction permit, or application to transfer a license;

(b) Issuing orders and demands to show cause to persons subject to the Commission's jurisdiction, including licensees and persons not licensed by the Commission;

(c) Imposing civil penalties under section 234 of the Act; and

(d) Public rulemaking.

3. Section 2.202 is revised to read as follows:

§ 2.202 Orders.

(a) The Commission may institute a proceeding to modify, suspend, or revoke a license or to take such other action as may be proper by serving on the licensee or other person subject to the jurisdiction of the Commission an order that will:

(1) Allege the violations with which the licensee or other person subject to the Commission's jurisdiction is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for the proposed action, and specify the action proposed;

(2) Provide that the licensee or other person must file a written answer to the order under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the order;

(3) Inform the licensee or any other person adversely affected by the order of his or her right, within twenty (20) days of the date of the order, or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the licensee or other person has consented in writing to the order;

(4) Specify the issues for hearing; and

(5) State the effective date of the order.

(b) A licensee or other person to whom the Commission has issued an order under this section must respond to the order by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order, and shall set forth the matters of fact and law on which the licensee or other person relies, and, if the order is not consented to, the reasons as to why the order should not have been issued. Except as provided in paragraph (d) of this section, the answer may demand a hearing.

(c) If the answer demands a hearing, the Commission will issue an order designating the time and place of hearing.

(d) An answer may consent to the entry of an order in substantially the form proposed in the order with respect

to all or some of the actions proposed in the order. The consent of the licensee or other person to whom the order has been issued to the entry of an order shall constitute a waiver by the licensee or other person of a hearing, findings of fact and conclusions of law, and of all right to seek Commission and judicial review or to contest the validity of the order in any forum as to those matters which have been consented to or agreed to or on which a hearing has not been requested. The order shall have the same force and effect as an order made after hearing by a presiding officer or the Commission, and shall be effective as provided in the order.

(e) When the Commission finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.

(f) If the order involves the modification of a part 50 license and is a backfit, the requirements of § 50.109 of this chapter shall be followed, unless the licensee has consented to the action required.

4. Section 2.204 is revised to read as follows:

§ 2.204 Demand to show cause.

(a) The Commission may issue to a licensee or other person subject to the jurisdiction of the Commission a demand to show cause why such actions as may be proper should not be taken, which will:

(1) Allege the violations with which the licensee or other person is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for the proposed action, and specify the action proposed; and

(2) Provide that the licensee or other person must file a written answer to the demand to show cause under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the demand to show cause.

(b) A licensee or other person to whom the Commission has issued a demand to show cause under this section must respond to the demand by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the demand to show cause, and shall set forth the matters of fact and law on which the licensee or other person relies.

(c) An answer may consent to the entry of an order in substantially the form proposed in the demand to show cause.

(d) Upon review of the answer filed pursuant to paragraph (a)(2) of this section, or if no answer is filed, the Commission may institute a proceeding pursuant to 10 CFR 2.202 to take the action proposed in the demand to show cause or to take such other action as may be proper.

5. Section 2.700 is revised to read as follows:

§ 2.700 Scope of subpart.

The general rules in this subpart govern procedure in all adjudications initiated by the issuance of an order pursuant to § 2.202, an order pursuant to § 2.205(e), a notice of hearing, a notice of proposed action issued pursuant to § 2.105, or a notice issued pursuant to § 2.102(d)(3). The procedure applicable to the proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area are set forth in subpart J of this part.

Dated at Rockville, Maryland, this 28th day of March 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90-7469 Filed 4-2-90; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Parts 30, 40, 50, 60, 61, 70, 72, 110 and 150

RIN 3150-AD38

Willful Misconduct by Unlicensed Persons

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to revise its regulations to put unlicensed persons on notice that they may be subject to enforcement action (1) for willfully causing a licensee to violate any of the Commission's requirements or (2) for other willful misconduct that (a) arises out of activities within the jurisdiction of the NRC and (b) places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the public health and safety. The proposed rule would subject a person who engages in that conduct to enforcement action under existing regulations. This proposed rule will enable the Commission to better address willful misconduct that places in question the reasonable assurance that licensed activities will be conducted in a manner that will provide

adequate protection of the public health and safety.

DATES: The comment period expires June 18, 1990. Comments received after this date will be considered if it is practical to do so, but assurance of consideration is given only for comments filed on or before that date.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Deliver comments to One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:45 am and 4:15 pm Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-0741.

SUPPLEMENTARY INFORMATION: Over the years, the Commission has in most cases issued licenses to organizations rather than individuals. Likewise, the Commission's enforcement program holds the licensees responsible for not only the conduct of operations, but also for the conduct of their employees, consultants, or contractors. Until now, enforcement actions concerning persons who have willfully caused violations of Commission requirements or otherwise have engaged in willful misconduct in connection with licensed activities consisted of actions against licensees, including Notices of Violations, civil penalties, and orders modifying the license to direct removal of the individual from licensed activities at the licensed facility where the violation occurred, or orders confirming that the licensee has removed an individual from licensed activities. These actions only indirectly reach an individual.

These instances of willful misconduct on the part of unlicensed individuals have caused NRC to have reduced confidence that all of these individuals would conduct licensed activities in a manner that adequately protects public health and safety. This conduct has included deliberate violations of NRC requirements, falsification of records, false statements to the NRC, and interfering with an NRC investigation, as well as other forms of wrongdoing. After becoming aware of such conduct, a licensee may dismiss the employee either by its own decision or because the NRC formally orders removal of the employee from licensed activity. However, the wrongdoer may seek other employment in the same field at another

NRC or Agreement State-licensed facility, often without the knowledge of the NRC or knowledge by the new employer of the employee's prior conduct. The Commission has also noted that willful acts of licensees' contractors, vendors, or their employees have caused licensees to be in violation of Commission requirements. The Commission believes that additional enforcement options are needed to address directly persons who are not themselves licensees, but are or have been engaged in licensed activities and whose willful misconduct, directly or indirectly, causes a licensee to be in violation of a Commission requirement or places in question the NRC's reasonable assurance of adequate protection of the public health and safety. "Licensed activities," as used in this rule, includes those actions that enable a licensee to carry out its license.¹

With the Commission's jurisdiction, that encompasses all of those activities that a licensee or its contractors, employees, or other agents perform to permit the licensee to carry out activities licensed by the Commission in accordance with Commission requirements, whether performed on or off site.

Accordingly, the Commission is proposing to amend its regulations to put on notice all those who are engaged in any manner in activities subject to the Commission's jurisdiction that they may be subject to enforcement action for willful misconduct that causes "a licensee to be in violation of any rule, regulation, or order issued by the Commission, or any term, condition, or limitation, of any license issued by the Commission." The proposed change makes any person who violates this requirement subject to enforcement action in accordance with the procedures of 10 CFR part 2, subpart B. That subpart provides for issuance of Notices of Violation, civil penalties, and orders.

These changes will allow the Commission to utilize the full range of enforcement sanctions, where warranted, against any person willfully violating or causing a violation of Commission requirements. This would include licensee employees, vendors, contractors, and consultants, and their employees, and other agents of licensees. The Commission emphasizes that, by taking action against these persons, it does not intend to diminish the responsibility of a licensee for the

¹Licensed activity as used in this context is a broad term, coextensive

conduct of its employees and therefore, as appropriate, the Commission also will be taking action against the licensee directly.

The proposed regulations focus on willful misconduct. A violation is willful if an individual either knew that the conduct was prohibited or showed a careless disregard for whether the conduct was prohibited. Careless disregard has been described as a showing of disregard for a governing statute or an indifference to its requirements. *Trans World Airlines, Inc. v. Thurston*, 469 U.S. 111 (1985); *U.S. v. Illinois Central Railroad Co.* 303 U.S. 239 (1938). In the Commission's statement of considerations for the final rule on Completeness and Accuracy of Information (52 FR 49362-65; December 31, 1987) the Commission noted that willful conduct includes "careless disregard" in that it "connotes a reckless regard or callous *** indifference toward one's responsibilities or the consequences of one's actions." The NRC's Enforcement Policy, 10 CFR part 2, appendix C, General Statement of Policy and Procedure for NRC Enforcement Actions, states that "willfulness *** embraces a spectrum of violations ranging from deliberate intent to violate or falsify to and including careless disregard for requirements." A finding of careless disregard indicates that the person acted with reckless indifference to the requirement, or with disregard (or utter unconcern) of the consequences or whether there was compliance. This recklessness involves, at a minimum, an unconcern as to whether a requirement was or will be violated, or a situation in which an individual blinds himself or herself to the realities of whether a violation has occurred or will occur. This contrasts with violations caused by simple error, misjudgment, miscalculation, ignorance, or confusion on the part of the individual.

In most cases, taking action directly against the licensee should be sufficient for conduct that does not involve wrongdoing, that is, conduct that does not rise at least to the level of careless disregard. However, this focus on willful misconduct in the proposed regulations should not be construed to condone negligent conduct by a person that causes a violation. In cases involving negligent conduct, action against the individual is more appropriately handled within the licensee's remedial program.

Cases addressed in this rulemaking where orders are issued are significant matters in which (1) the staff concludes that the person's involvement in

licensed activities would cause the staff to lose its confidence that there is a reasonable assurance that licensed activities will be conducted in accordance with the Commission's requirements, and (2) the NRC believes that it has sufficient evidence to prove by a preponderance of the evidence that wrongdoing occurred.

A situation in which it might be appropriate to issue an order to an unlicensed individual is the case of an employee of a licensee willfully causing that licensee to be in violation of Commission requirements. As a result of that individual's action, the Commission might no longer have reasonable assurance that requirements necessary to protect the public health and safety would be followed if that individual were to continue to engage in activities within the Commission's jurisdiction. Another example where an order to an individual might be appropriate is the case of an unlicensed individual who willfully provides an inspector, investigator, or other NRC employee with inaccurate or incomplete information on a matter material to the Commission's regulatory responsibilities. Additional examples include a supervisor who discharges an employee for raising safety concerns, a company officer who directs employees to provide false information to the NRC, an employee who falsifies records of required information, or an employee who willfully defeats alarms that have safety significance.

Depending on the circumstances of these types of cases, it might be appropriate to issue an order to the individual either prohibiting the individual from being involved in NRC licensed activities, conditioning the individual's involvement in those activities, or requiring the individual to provide prior notice to the Commission before engaging in licensed activities in the future. The provision for prior notice would permit the Commission to evaluate whether it needs to issue an additional order to prohibit or condition the individual's involvement in licensed activities or to determine whether increased inspection effort is needed. In addition, the order might require the individual to inform future employers licensed by the Commission of the existence of the order. This would provide some assurance that, should the individual be employed to perform licensed activities in the future, the new employer would be aware of the individual's past conduct and ensure that appropriate oversight is in place.

Some of these conditions have been used by the Commission in settlement of

litigation in accordance with 10 CFR 2.203. *Edward Hines, Jr. Medical Center*, ALJ-88-2, 28 NRC 477 (1988), and *Finlay Testing Laboratories, Inc.*, LBP-88-17, 27 NRC 586 (1988).

As a supplement to an order to an individual, the Commission might also order the facility licensee to remove the individual from licensed activities. This would provide additional assurance that the individual is actually removed. If the licensee has already removed the wrongdoer, the NRC could issue an order to the licensee confirming the removal and requiring the licensee to notify the NRC if the licensee desires to use the individual in licensed activities in the future, and to provide the basis for doing so. These orders could also direct the licensee to advise any prospective employer conducting licensed activities, who inquires about the past employment of the wrongdoer, of the issuance and publication of the removing or confirming order. These latter requirements may be appropriate because, while the NRC has preferred not to be involved in licensees' employment decisions, it has become apparent that licensees need more complete background information about prospective employees to make better employment decisions. In some instances, checking previous employment can be thwarted because employers are often reluctant to divulge to prospective employers any derogatory information about former employees, due to state laws and fear of tort liability. Similar restrictions have been adopted in a final rule of the Federal Railroad Administration, 54 FR 42894 (October 18, 1989).

Additional examples of potential application of the proposed rule include companies that provide testing services and whose employees willfully supply false data to a licensee in an effort to prevent the licensee from being in violation of 10 CFR part 50, appendix B; vendors whose willful false certification causes a licensee to acquire components that do not meet license requirements, such as the ASME code, where required; and companies that supply components or other items knowing that they do not comply with their certificates of compliance. In these cases, depending on the circumstances, an order might be issued to the contractor or vendor, prohibiting use of a service, product, or component in licensed activities, or to the employee who had willfully committed the misconduct, prohibiting that employee's involvement in licensed activities.

The Commission also recognizes that certain misconduct may not be a

violation of a Commission requirement. However, when that misconduct occurs in connection with licensed activities or reasonably reflects on the ability of the individual to safely undertake licensed activities within the Commission's jurisdiction and raises a serious question as to whether there is reasonable assurance of adequate protection of the public health and safety if the person continues to be involved in licensed activities, NRC should have the ability to issue an order to the person involved in the misconduct. Therefore, the Commission is including in the proposed rule a provision that states: "In addition, the Commission may issue an enforcement order² pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to health and safety of the public." This provision is intended to address cases in which the willful misconduct does not in itself constitute or create a violation of Commission requirements, either because of the wording of the particular requirement applicable to the activity or because NRC has not yet acted in an area, i.e., drug use by employees of a materials licensee while engaged in licensed activity. This willful misconduct nevertheless may raise concerns that cause the NRC to question whether there is reasonable assurance that NRC-licensed activities, with that person present, will be conducted in a manner that provides adequate protection to the health and safety of the public. In these cases, where there is a reasonable basis for a regulatory concern, issuance of orders or demands to show cause might be appropriate pursuant to the proposed revision to 10 CFR 2.202 and 2.204.

In deciding when to issue an enforcement order, the NRC recognizes that judgments will have to be made on a case by case basis. However, in making these decisions, the NRC will consider factors such as the following:

1. The level of the individual within the organization.
2. The safety consequences of the willful misconduct.
3. The benefit to the wrongdoer, e.g., personal or corporate gain.
4. The degree of supervision of the individual, i.e., how closely is the individual monitored or audited, and the likelihood of detection (such as a

²The term "enforcement order" refers to an order directed to a person but which does not impose a civil penalty.

radiographer working independently in the field as contrasted with a team activity at a power plant).

5. The employer's response, e.g., disciplinary action taken.

6. The attitude of the wrongdoer, e.g., admission of wrongdoing, acceptance of responsibility.

7. The degree of management responsibility or culpability.

8. Who identified the willful misconduct.

The orders described above would be issued only for willful misconduct that bears on the person's ability to carry out health or safety-related responsibilities. In most cases, the order would require the person to divulge the existence of the order to a prospective employer or customer involved in licensed activities. Ordinarily, the Commission would expect to provide a specific time limit for the provisions of the order, and a process for relaxation of the order. These orders will be subject to the procedures and hearing rights of 10 CFR part 2.³

Issuance of the orders described above would have the benefit of making the NRC aware of the person's future involvement in licensed activities for the time specified in the order, so that the NRC may monitor that involvement as necessary. It will also provide future employers involved in licensed activity the opportunity to make informed employment decisions, provided that the person complies with the terms of the order and informs the NRC and new employer, as required. If the person does not comply with the terms of the order, the failure to do so, when identified, could subject the offender to a civil penalty or could be referred to the Department of Justice for criminal prosecution.

In a separate rulemaking published simultaneously with this rulemaking, the Commission is proposing revisions to the Commission's procedures in 10 CFR part 2, subpart B, to expressly provide for issuance of orders to persons not licensed by the Commission but who are otherwise subject to the Commission's jurisdiction. Following promulgation of this rulemaking and the part 2 rulemaking, there will be substantive and procedural rules governing the issuance of an order or a show cause demand not only to a licensee, as currently provided, but also to an unlicensed person whose willful misconduct causes a licensee to be in

violation of Commission requirements or places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner adequate to protect the public health and safety. In addition, Notices of Violation with civil penalties will be authorized for willful misconduct that causes a licensee to be in violation of Commission requirements. While civil penalties will not be available for willful misconduct that does not cause a licensee to be in violation, civil penalties are available for violations of all orders issued under the rule.

In sum, orders to unlicensed persons may include requirements such as:

1. A prohibition against any involvement in NRC-licensed activities, generally for a specified period of time.

2. A prohibition against any involvement in NRC-licensed activities until certain conditions are satisfied, e.g., completing specified training or meeting certain qualifications.

3. A requirement to notify the NRC before resuming work in licensed activities.

4. A requirement to tell a prospective employer or customer engaged in licensed activities that the person has been subject to an NRC order.

Orders to licensees who are employers or former employers of individuals subject to orders may include requirements such as:

1. Removal of an individual from licensed activity.

2. A requirement for retraining certain individual(s), as a condition of allowing the person to continue in licensed activities.

3. A requirement to advise any prospective employer who inquires about an individual of the existence of any order issued to the individual.

4. A requirement to notify the NRC if the employer rehires or restores the individual to licensed activity, and to state the basis for so doing.

5. A requirement for additional oversight or independent verification of activities performed by the person, if the person is to continue to be involved in licensed activities.

Ordinarily, requirements such as those listed above will be imposed for a specified period of time. A person subject to an order may, at any time, request the NRC to relax the order for good cause in accordance with the provisions of the order.

Orders, including orders imposing civil penalties, are published in the **Federal Register** and NUREG-0940, (Enforcement Actions: Significant Actions Resolved), and are also the subject of a press release. In addition,

³As indicated in the text, a separate rulemaking is underway addressing procedures for issuing orders. Under that proposal, a hearing will not be provided for a show cause demand because those demands require only a written response.

the Commission intends to establish a system of records that will include a list of all persons currently subject to an order that affects their participation in licensed activities. A list and copies of all currently effective orders will be sent to all power reactor licensees twice a year. The list, with copies of orders, will be made available to other licensees and members of the public on request.

The Commission believes that these actions will provide greater assurance that licensees will be aware of persons who have been the subject of an NRC enforcement order. These actions should provide better accountability for employees, consultants, contractors, and vendors in the nuclear industry and increase their responsibility and thus improve the quality of performance, and therefore, the protection of the public health and safety. Use of these orders should also serve as an effective deterrent to wrongdoers and inadvertent employment of wrongdoers throughout the regulated industry. Adoption of these proposed regulations will not alter the NRC's procedures for referring certain alleged or suspected criminal violations of the Atomic Energy Act to the Department of Justice for appropriate action.

It would be an erroneous reading of the proposed regulations to conclude that conscientious people may be subject to personal liability for mistakes. The Commission realizes that people may make mistakes while acting in good faith, and enforcement actions directly against individuals are not to be used for activities caused by merely negligent conduct. These persons should have no fear of individual liability under this regulation, as the rule requires that there be willful misconduct before the rule's sanctions may be imposed. The Commission recognizes, as stated in section E, "Enforcement Actions Involving Individuals," of the NRC Policy and Procedure for Enforcement Actions; Policy Statement, 10 CFR part 2, appendix C (1989), that enforcement actions involving individuals are significant actions that need to be closely controlled and judiciously applied. The Policy also states that action will not be taken against an individual if the improper conduct was caused by management failures.

The NRC Enforcement Policy currently requires that all enforcement actions involving unlicensed individuals, and licensed individuals pursuant to 10 CFR part 55, be approved by the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support. The staff will consult with the Commission before taking action

directly against unlicensed individuals by order or civil penalty or issuing a civil penalty in the case of a licensed reactor operator pursuant to 10 CFR part 55.⁴ Prior notice will be given to the Commission on Notices of Violation without civil penalties that are issued to unlicensed individuals and actions taken against other unlicensed persons, such as corporations or partnerships. Enforcement actions against unlicensed persons, as with other NRC enforcement actions, require the exercise of discretion and will be taken dependent on the circumstances of the case.

At the time of final rulemaking on these matters, the Commission also intends to modify its Enforcement Policy, 10 CFR part 2, appendix C, to address enforcement actions against unlicensed persons. The Policy will be clarified to provide that when the NRC proposes to take escalated enforcement action against an unlicensed person, an enforcement conference will normally be held with that person. The Policy does not now provide for the amount of civil penalty that may be assessed vendors, contractors, or individuals who are subject to civil penalties. Therefore, Table 1A of the Policy will be modified to include vendors and contractors with "Industrial users of material," and "other individuals subject to NRC jurisdiction" will be included with "Other material licensees." The Commission also intends to include in the Policy examples of when enforcement action might be taken against individuals, similar to the examples set out in this Statement of Considerations. The Policy will also reflect that a person subject to an enforcement order will be given a right to a hearing and, as stated above, consultation with or prior notice to the Commission will be required.

This rulemaking implements the Commission's authority under the Atomic Energy Act of 1954, as amended, to issue regulations and orders to any person (defined in section 11s to include, e.g., an individual, corporation, firm or a Federal, State or local agency) who engages in conduct affecting activities within the Commission's subject-matter jurisdiction. The few court cases that deal with the scope of the general authority Congress has granted the Commission usually do so in the general discussion or in passing and conclude that section 161 confers uniquely broad

and flexible authority on the Commission. See *Power Reactor Dev. Co. v. International Union of Elec. Radio and Mach. Workers, AFL-CIO*, 367 U.S. 396 (1961); *Connecticut Light and Power Co. v. Nuclear Regulatory Comm'n*, 673 F.2d 525, 527, n.3 (DC Cir. 1982); *New Hampshire v. Atomic Energy Comm'n*, 406 F.2d 170, 173-74 (1st Cir. 1969); *Siegel v. Atomic Energy Comm'n*, 400 F.2d 779, 783 (DC Cir. 1968); but cf. *Reynolds v. United States*, 286 F.2d 433 (9th Cir. 1960) (interpreting section 161i in detail and holding, in the context of the AEC's bomb testing activities, that section 161i(3) authorized the AEC to take action to govern the activities of private licensees and not the activities of the Commission itself; the court's use of the word "licensee" is dictum with regard to the term in the context of this notice).

Cases analyzing the Federal Communications Commission's (FCC) enabling statute, which, in many ways, is analogous to the Atomic Energy Act, also support the principle that the Commission's authority is broad in scope. The Federal Communications Act of 1934 (the 1934 Act) broadly authorizes the FCC to "make such rules and regulations, and issue such orders, not inconsistent with [the 1934 Act], as may be necessary in the execution of its functions," 47 U.S.C. 154i (1982). This provision is similar to section 161i(3) of the Atomic Energy Act of 1954, which authorizes the Commission to "prescribe such rules, regulations, and orders as it may deem necessary to govern any activity authorized pursuant to the [Atomic Energy Act of 1954] *** in order to protect health and to minimize danger to life or property ***." 42 U.S.C. 2201(i) (3) (1982). A number of cases have analyzed section 154i in detail and held that the FCC's ordering authority is necessarily broad. See *Federal Communications Commission v. National Citizens Committee for Broadcasting*, 436 U.S. 775 at 793 (1978); *United States v. Storer Broadcasting Co.*, 351 U.S. 192 at 203 (1955); *National Broadcasting Co. v. United States*, 319 U.S. 190 at 196 (1943); *Lincoln Telephone and Telegraph Co. v. Federal Communications Commission*, 659 F.2d 1092 (DC Cir. 1981); *American Telephone and Telegraph v. Federal Communications Commission*, 487 F.2d 865 (2d Cir. 1973); *GTE Service Corp. v. Federal Communications Commission*, 474 F.2d 724 (2d Cir. 1973); and *Western Union Telegraph Co. v. United States*, 267 F.2d 715, 722 (2nd Cir. 1959). It has been held that the FCC has authority to issue orders under section 154i to persons whether licensed or not. *United*

⁴Consultation with the Commission does not preclude the staff from taking immediately effective action under existing regulatory provisions where necessary to protect health and safety, e.g., suspending a license and ordering radioactive sources to be removed.

States v. Southwestern Cable, 392 U.S. 157 at 180-81 (1968).

Section 161i provides broad authority to issue regulations as the Commission deems necessary to govern any activity authorized pursuant to the Atomic Energy Act in order to protect the public health and safety. Section 161b similarly authorizes the Commission to issue regulations to impose "standards and instructions" on persons to govern the possession and use of special nuclear material, source material, and byproduct material, as may be necessary or desirable to provide for the common defense and security and protect the public health and safety.

Section 234 of the Atomic Energy Act authorizes the NRC to impose civil penalties on unlicensed individuals, including those who conduct licensed activities as employees of licensees, for violation of the NRC's substantive requirements. Section 234 reads as follows:

a. Any person who (1) violates any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186 [of the 1954 Act], shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed \$100,000 for each such violation ***.

The licensing provisions listed in section 234a generally prohibit the possession, use, receipt, or transfer of nuclear materials or facilities unless authorized by a license. The specific prohibitions are as follows: Section 57, 63, and 81 prohibit persons from engaging in activities that may be licensed pursuant to sections 53, 63, 81, and 82 unless those persons or their principals hold licenses that permit those activities. Section 101 prohibits persons from engaging in activities regarding a production or utilization facility that the NRC licenses under sections 103 or 104 unless those persons hold licenses that allow those activities. Section 101 further requires that persons licensed under sections 103 or 104 conduct activities licensed pursuant to those sections in accordance with the licenses.

The proposed changes are made under the authority of 161b and i and the above-identified licensing provisions. The proposed changes will prohibit willful misconduct that causes a licensee to be in violation of Commission requirements. By imposing a direct prohibition on unlicensed persons, the Commission will then be able to exercise its section 234 authority to impose civil penalties on unlicensed

individuals who willfully cause a licensee to be in violation of requirements because they are persons who violate the licensing provisions enumerated in section 234. In cases where the Commission issues an order (other than an order imposing a civil penalty) to a person based on willful misconduct that causes a licensee to be in violation of a Commission requirement or to a person whose willful misconduct, in the absence of a violation, places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public, the order would be issued, in part, pursuant to a regulation (e.g., proposed § 50.5) that was promulgated under a licensing provision of the Atomic Energy Act, and a civil penalty would be available for violations of such an order. In addition, criminal sanctions under section 223 are available for willful violations of orders and regulations under section 161b and i. Injunctions are also available under section 232 for violations of Commission orders.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule relates to enforcement matters and, therefore, falls within the scope of 10 CFR 51.10(d). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Regulatory Analysis

The Nuclear Regulatory Commission has statutory authority to issue enforcement actions against unlicensed persons whose willful misconduct causes a licensee to be in violation of the Commission's requirements or causes the NRC to question its reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to public health and safety. As presently written, the Commission's regulations do not specifically implement that statutory authority and issuance of these orders. In the past, the Commission has issued orders to holders of licenses directing removal of wrongdoers from licensed activities. However, this approach does not satisfy concerns about wrongdoers

who may be hired by others in the industry, without knowledge of the prior wrongdoing, or who are rehired by the former employer, in those instances where no order was issued.

The Commission is concerned about a number of incidents of willful wrongdoing in recent years in which it has been limited in its ability to address the problem directly or to have some control over the activities of the wrongdoer in the near term. While the number of cases of willful misconduct of which the NRC is aware is not large, any number is unacceptable and the potential for injury is serious enough that the problem must be addressed.

The objective of the rule is to put everyone subject to the Commission's jurisdiction on notice that enforcement action, including civil penalties, might be taken against them for willful misconduct in relation to NRC licensed activities. Under section 234 of the Atomic Energy Act, the Commission may impose civil penalties on employees of licensees and others who willfully cause a violation of a requirement. The Commission also may impose a civil penalty on a person who violates an order issued to that person for willful misconduct, absent a violation, that placed in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the public health and safety, because the order would be issued, in part, pursuant to a regulation that was promulgated under a licensing provision of the Atomic Energy Act. The enforcement actions that are taken, including orders limiting activities of wrongdoers in the future and civil penalties, will serve as a deterrent to others throughout the industry.

The alternatives available to the Commission are to propose a rule, as is done herein, or do nothing. Given the frequency of these incidents, and the potential harm to the public as well as individuals working in NRC licensed activities, the alternative of doing nothing was rejected. The benefits of taking enforcement action are similar to those of taking action against licensed entities, in that a civil penalty and attendant adverse publicity encourage future compliance, the Notice of Violation calls for precise response as to corrective action taken, and, an enforcement order, if obeyed, may directly control the involvement of an individual in licensed activity. The effect of having these options available in the enforcement program should reduce the probability of repetitive violations by wrongdoers.

The NRC does not anticipate that additional investigations will be necessary to implement the rule because it focuses on the results of investigations. The NRC estimates that fewer than five cases per year will actually result in enforcement action being taken against unlicensed individuals. The cost of preparing and publishing a very few additional actions per year beyond the current workload of handling of more than a hundred escalated enforcement actions per year is not significant.

The proposed rule will be implemented by processing, in the same manner as other escalated enforcement actions, those cases of willful misconduct that come to the agency's attention. The Commission will be consulted on actions that involve orders or civil penalties against unlicensed individuals. The Office of Enforcement will also maintain a list of those enforcement orders applicable to individual wrongdoers and distribute, twice a year to all power reactor licensees, a copy of the list of currently effective orders that restrict individuals from licensed activities and copies of those orders. The same material will be available to others who request it. The cost of distributing this information is negligible.

In light of the benefits of enabling the NRC to use its statutory authority to address directly the willful misconduct of unlicensed persons, it is appropriate that the Commission adopt the proposed rule.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed rule puts unlicensed persons on notice that they may be subject to enforcement action if they willfully cause a licensee to be in violation of Commission requirements or subject to an enforcement order if their willful misconduct places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner adequate to protect the public health and safety. The proposed rule, by itself, does not impose any additional obligations on entities, including any regulated entities, that may fall within the definition of "small entities" as set forth in section 601(3) of the Regulatory Flexibility Act, or within the definition of "small business" as found in section 3 of the Small Business Act, 15 U.S.C. 632, or within the size standards adopted by the NRC (50 FR 50241; December 29,

1985). Obligations would not be created until an order is issued, at which time the person subject to the order would have a right to a hearing in accordance with the regulations.

Backfit Analysis

This proposed rule does not involve any new provisions that would impose backfits as defined in 10 CFR 50.109(a)(1). Accordingly, a backfit analysis pursuant to 10 CFR 50.109(c) is not required for this proposed rule. However, issuance of orders pursuant to this regulation may involve backfit considerations, which will be addressed on a case-by-case basis.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Government contracts, Hazardous material-transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50

Antitrust, Classified information, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Low-level waste, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Hazardous materials - transportation, Material control and accounting, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 110

Administrative practice and procedure, Classified information, Export, Import, Incorporation by

reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 150

Hazardous materials - transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 30, 40, 50, 60, 61, 70, 72, 110 and 150.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for part 30 is revised to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.81 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.10, 30.34(b), (c) and (f), 30.41(a) and (c), and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 30.10 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 30.6, 30.9, 30.36, 30.51, 30.52, 30.55, and 30.56(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 30.1 is revised to read as follows:

§ 30.1 Scope.

This part prescribes rules applicable to all persons in the United States governing domestic licensing of byproduct material under the Atomic Energy Act of 1954, as amended (68 Stat. 919), and under Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242), and exemptions from the domestic licensing requirements permitted by section 81 of the Act. This part also gives notice, in § 30.10, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether

or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

3. Immediately following § 30.9, a new § 30.10 is added to read as follows:

§ 30.10 Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

4. The authority citation for part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 88-373, 73 Stat. 608 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.10, 40.25(d)(1)-(3), 40.35(a)-(d) and (f), 40.41(b) and (c), 40.46, 40.51(a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 40.10 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 40.5, 40.9, 40.25(c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

5. Section 40.2 is revised to read as follows:

§ 40.2 Scope.

Except as provided in §§ 40.11 to 40.14 of this part, inclusive, the regulations in this part apply to all persons in the United States. This part also gives notice, in § 40.10, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

6. Immediately following § 40.9, a new § 40.10 is added to read as follows:

§ 40.10 Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

7. The authority citation for part 50 is revised to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13 and 50.54(dd) also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also

issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80 through 50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 50.5, 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.5, 50.7(a), 50.10(a)-(c), 50.34(a) and (e), 50.44(a)-(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (i)(1), (j)-(n), (p), (q), (l), (v), and (y), 50.55(f), 50.55a(a), (c)-(e), (g), and (h), 50.59(c), 50.60(a), 50.62(c), 50.64(b), and 50.80(a) and (b) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.49(d), (h), and (j), 50.54(w), (z), (bb), (cc), and (dd), 50.55(e), 50.59(b), 50.61(b), 50.62(b), 50.70(a), 50.71(a)-(c) and (e), 50.72(a), 50.73(a) and (b), 50.74, 50.78, and 50.90 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

8. Section 50.1 is revised to read as follows:

§ 50.1 Basis, purpose, and procedures applicable.

The regulations in this part are promulgated by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242), to provide for the licensing of production and utilization facilities. This part also gives notice, in § 50.5, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC under other parts of this chapter, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

9. Immediately following § 50.4, a new § 50.5 is added to read as follows:

§ 50.5 Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities

within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

10. The authority citation for part 60 is revised to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97-425, 96 Stat. 2213, 2228 as amended (42 U.S.C. 10134, 10141).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); § 60.11 is issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 60.11 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 60.10, 60.71 to 60.75 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. Section 60.1 is revised to read as follows:

§ 60.1 Purpose and scope.

This part prescribes rules governing the licensing of the U.S. Department of Energy to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area sited, constructed, or operated in accordance with the Nuclear Waste Policy Act of 1982. This part does not apply to any activity licensed under another part of this chapter. This part also gives notice, in § 60.11, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

12. Immediately following § 60.10, a new § 60.11 is added to read as follows:

§ 60.11 Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10

CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

13. The authority citation for part 61 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of Sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273); Tables 1 and 2, §§ 61.3, 61.9b, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 61.9b is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); 61.9a, 61.10 through 61.16, 61.24, and 61.80 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

14. In § 61.1, paragraph (c) is added to read as follows:

§ 61.1 Purpose and scope.

*

(c) This part also gives notice, in § 61.9b, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

15. Immediately following § 61.9a, a new § 61.9b is added to read as follows:

§ 61.9b Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the

Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

16. The authority citation for part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.10, 70.19(c), 70.21(c), 70.22(a), (b), (d)-(k), 70.24(a) and (b), 70.32(a)(3), (5), (6), (d), and (i), 70.36, 70.39(b) and (c), 70.41(a), 70.42(a) and (c), 70.56, 70.57(b), (c), and (d), 70.58(a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.10, 70.20a(a) and (d), 70.20b(c) and (e), 70.21(c), 70.24(b), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)-(g), 70.56, 70.57(b) and (d), and 70.58(a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.5, 70.9, 70.20b(d) and (e), 70.38, 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k), and (l), 70.59, and 70.60(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

17. Section 70.2 is revised to read as follows:

§ 70.2 Scope.

Except as provided in §§ 70.11 to 70.13, inclusive, the regulations in this part apply to all persons in the United States. This part also gives notice, in § 70.10, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC

requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

18. Immediately following § 70.9, a new § 70.10 is added to read as follows:

§ 70.10 Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

19. The authority citation for part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 68 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 72.6, 72.12, 72.22, 72.24, 72.26, 72.28(d), 72.30, 72.32, 72.44(a), (b)(1), (4), (5), (c), (d)(1), (2), (e), (f), 72.48(a), 72.50(a), 72.52(b), 72.72(b), (c), 72.74(a), (b), 72.76, 72.78, 72.104, 72.106, 72.120, 72.122, 72.124, 72.126, 72.128, 72.130, 72.140(b),

(c), 72.148, 72.154, 72.156, 72.160, 72.166, 72.168, 72.170, 72.172, 72.176, 72.180, 72.184, 72.186 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 72.10(a), (e), 72.12, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.44(a), (b)(1), (4), (5), (c), (d)(1), (2), (e), (f), 72.48(a), 72.50(a), 72.52(b), 72.90(a)-(d), 72.92, 72.94, 72.98, 72.100, 72.102(c), (d), (f), 72.104, 72.106, 72.120, 72.122, 72.124, 72.126, 72.128, 72.130, 72.140(b), (c), 72.142, 72.144, 72.146, 72.148, 72.150, 72.152, 72.154, 72.156, 72.158, 72.160, 72.162, 72.164, 72.166, 72.168, 72.170, 72.172, 72.176, 72.180, 72.182, 72.184, 72.186, 72.190, 72.192, 72.194 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 72.10(e), 72.11, 72.16, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.44(b)(3), (c)(5), (d)(3), (e), (f), 72.48(b), (c), 72.50(b), 72.54(a), (b), (c), 72.56, 72.70, 72.72, 72.74(a), (b), 72.76(a), 72.78(a), 72.80, 72.82, 72.92(b), 72.94(b), 72.140(b), (c), (d), 72.144(a), 72.146, 72.148, 72.150, 72.152, 72.154(a), (b), 72.156, 72.160, 72.162, 72.168, 72.170, 72.172, 72.174, 72.176, 72.180, 72.184, 72.186, 72.192 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

20. In § 72.2, paragraph (f) is added to read as follows:

§ 72.2 Scope.

(f) This part also gives notice, in § 72.12, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

21. Immediately following § 72.11 a new § 72.12 is added to read as follows:

§ 72.12 Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

22. The authority citation for part 110 is revised to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092-2095, 2111, 2112, 2133, 2134, 2138, 2139a, 2141, 2154-2158, 2201, 2231-2233, 2237, 2239); sec. 201, 68 Stat. 1242, as amended (42 U.S.C. 5841).

Section 110.1(b)(2) also issued under Pub. L. 96-92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 68 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99-440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80-110.113 also issued under 5 U.S.C. 552, 554. Sections 110-3110.35 also issued under 5 U.S.C. 553.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 110.20-110.29, 110.50, and 110.120-110.129 also issued under secs. 161b and i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201(b) and (i)); § 110.7b is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 110.7a, 110.53 also issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

23. In § 110.1, paragraph (a) is revised to read as follows:

§ 110.1 Purpose and scope.

(a) The regulations in this part prescribe licensing, enforcement, and rulemaking procedures and criteria, under the Atomic Energy Act, for the export of nuclear equipment and material, as set out in § 110.8, and the import of nuclear equipment and material, as set out in § 110.9. This part also gives notice, in § 110.7b, to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable assurance of adequate protection of the public health and safety.

24. Immediately following § 110.7a, a new § 110.7b is added to read as follows:

§ 110.7b Willful misconduct.

A person may not willfully cause a licensee to be in violation of any rule,

regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

25. The authority citation for part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 150.20(b)(2)-(5) and 150.21 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 150.14 and 150.20(b)(5) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 150.16-150.19 and 150.20(b)(1) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

26. Section 150.2 is revised to read as follows:

§ 150.2 Scope.

The regulations in this part apply to all States that have entered into agreements with the Commission or the Atomic Energy Commission pursuant to subsection 274b of the Act. This part also gives notice, in § 150.20b(5), to all persons whose actions enable a licensee to carry out activities licensed by the Commission, including individuals, corporations, and other entities, whether or not licensed by the NRC, that they may be individually subject to NRC enforcement action for willful misconduct that causes a licensee to be in violation of an NRC requirement or that places in question reasonable

assurance of adequate protection of the public health and safety.

27. In § 150.20, paragraph(b)(5) is added to read as follows:

§ 150.20 Recognition of Agreement State licensees.

*(b) *

(5) May not willfully cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission. A person who violates this provision may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B. In addition, the Commission may issue an enforcement order pursuant to 10 CFR part 2, subpart B, to address willful misconduct of persons that arises out of activities within the jurisdiction of the NRC and places in question the NRC's reasonable assurance that licensed activities will be conducted in a manner that provides adequate protection to the health and safety of the public.

Dated at Rockville, Maryland, this 28th day of March, 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90-7470 Filed 4-2-90; 8:45 am]

BILLING CODE 7590-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-90-5]

Petition for Rulemaking; Summary and Disposition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended

to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 18, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC., on March 28, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Rulemaking

Docket No.: 26143.

Petitioner: Air Transport Association of America (ATA).

Regulations Affected: 14 CFR 121.311.

Description of Petition: The petitioner proposes to remove existing language that allows children who have not reached their second birthday to be held in the laps of adults during takeoff and landing operations. The petitioner proposes that children who have not reached their second birthday be restrained by FAA/National Highway Traffic Safety Administration (NHTSA) approved devices meeting the requirements of NHTSA Federal Motor Vehicle Standard No. 213 or equivalent and the restraint be required for use during takeoff, landing and any time the pilot in command requires seat belts to be fastened.

Petitioner's Reason for the Request: The petitioner states that the petition is based on recent FAA research and development conducted by the FAA Civil Aeromedical Institute.

Docket No.: 26165.

Petitioner: Fairchild Aircraft Corporation.

Regulations Affected: 14 CFR 23.203(a)(2).

Petitioner's Request: To eliminate requirements for an accelerated entry

stall of 3 to 5 knots per second for commuter category airplanes.

Petitioner's Reason for the Request: The petitioner believes extensive flight testing has shown this requirement is not appropriate for passenger carrying airplanes intended for airline service.

[FR Doc. 90-7566 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-AAL-5]

Proposed Revision of Talkeetna, Bethel, McGrath, and Galena AK, Transition Areas and the Removal of Lonely DEW Station, AK, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise and extend the Talkeetna, Bethel, McGrath, and Galena, Alaska transition areas and revoke the Lonely DEW Station transition area. The FAA expanded controlled airspace to the north, central, and eastern part of Anchorage Air Route Traffic Control Center (ANC ARTCC) as the first seven (7) radars became available. ANC ARTCC presently has fifteen (15) different radar sites in the system and this additional controlled airspace would improve radar service and efficiency in western Alaska by using off airway areas and areas outside of existing transition areas below 14,500 feet MSL for radar services. Lonely DEW Station has been closed by the United States Air Force and the transition area is no longer required.

DATES: Comments must be received on or before May 7, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, Docket No. 90-AAL-5, Federal Aviation Administration, 222 West 7th Ave., Box 14, Anchorage, AK 99513-7587.

The official docket may be examined in the FAA Rules Docket, Office of the Assistant Chief Counsel, Third Floor, Module F, Federal Building U.S. Courthouse, 222 West 7th Ave., Anchorage, Alaska.

An informal docket may also be examined during normal business hours at the Regional Air Traffic Division, Third Floor, Module B, Federal Building U.S. Courthouse, 222 West 7th Ave., Anchorage, AK.

FOR FURTHER INFORMATION CONTACT:

Robert C. Durand, Airspace and Procedures Specialists, (AAL-531), Air

Traffic Division, Federal Aviation Administration, 222 West 7th Ave., Box 14, Anchorage, AK, 99513-7587, telephone (907) 271-5898.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-AAL-5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Regional Air Traffic Division, Third Floor, Module B, Federal Building U.S. Courthouse, 222 West 7th Ave., Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch, Air Traffic Division, Alaskan Region, 222 West 7th Ave., Box 14, Anchorage, AK 99513-7587 or by calling (907) 271-5898. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR

part 71) to establish additional controlled airspace around major terminal and off airway areas in the western part of the ANC ARTCC airspace and revoke the Lonely DEW Station transition area. The ability to provide radar separation services over much of the Anchorage Air Route Traffic Control Center (ANC ARTCC) airspace is limited by the lack of controlled airspace since the existing transition areas in the western part of the airspace contain only the IFR non-radar routes and departure paths. The FAA has expanded controlled airspace to the north, central, and eastern part of ANC ARTCC as the first seven (7) radar sites became available. ANC ARTCC presently has fifteen (15) different radar sites in the system and this additional controlled airspace would improve radar service and efficiency in western Alaska by using off airway areas for radar services. While these additional airspace designations would exclude aircraft from conducting flight under visual flight rules (VFR) when the visibility is less than 3 miles, it would enhance the safety of aircraft conducting flight under IFR. Lonely DEW Station has been closed by the United States Air Force and the transition area is no longer required. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Talkeetna, AK (Revised)

That airspace extending upward from 1,200 feet above the surface within 23 miles west and 69 miles east of the 022° and 202° bearings from the Peters Creek NDB (lat. 62°19'54"N., long. 150°05'39"W.), extending from 55 miles north to 15 miles south of the NDB, excluding Federal airways and the portions within the Anchorage, AK, and Fairbanks, AK transition areas.

Bethel, AK (Revised)

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Bethel VORTAC (lat. 60°47'06"N., long. 161°49'19"W.) 007° radial, extending from the north control zone extension to 11.5 miles north of the Bethel VORTAC; from the southwest control zone extension to 11.5 miles southeast of the Bethel VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 57.5-mile radius of the Bethel VORTAC; and within 46 miles each side of the Bethel VORTAC 068° radial, extending from the 57.5-mile radius to a point 98 miles northeast of the Bethel VORTAC, excluding the portion within Federal airways and the Aniak, AK transition area.

McGrath, AK (Revised)

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 3 miles southwest of the McGrath VORTAC (lat. 62°57'06"N., long. 155°36'33"W.) 123° radial extending from the control zone extension to 12.5 miles southeast of the McGrath VORTAC; within 4 miles each side of the McGrath VORTAC 008° radial extending from the control zone extension to 14.5 miles north of the McGrath VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 64°00'00"N., long. 155°00'00"W.; to lat. 64°00'00"N., long. 153°00'00"W.; to lat. 63°00'00"N., long. 151°10'00"W.; to lat. 62°00'00"N., long. 154°00'00"W.; to lat. 62°00'00"N., long. 157°00'00"W.; to lat. 63°20'00"N., long. 157°00'00"W.; to point of beginning, excluding the portions within Federal airways and the Farewell, AK transition area.

Galena, AK (Revised)

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Galena VORTAC (lat. 64°44'20"N., long. 156°46'29"W.); and that airspace extending upward from 1,200 feet above the

surface within the area bounded by a line beginning at lat. 66°00'00"N., long. 159°00'00"W.; to lat. 66°00'00"N., long. 153°00'00"W.; to lat. 64°00'00"N., long. 153°00'00"W.; to lat. 64°00'00"N., long. 159°00'00"W.; to point of beginning, excluding the portions within the Huslia, AK transition area and Federal airways.

Lonely DEW Station, AK (Remove)

Issued in Anchorage, Alaska, on March 16, 1990

John H. Groeneveld,

Acting Manager, Air Traffic Division.

[FR Doc: 90-7570 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

that this form was unduly burdensome in that the information sought on that form could be supplied in another manner using existing trade documentation as prescribed in 19 CFR 141.11(a).

Unfortunately, blanket release orders as prescribed in 19 CFR 141.11(a)(5) and 141.111(c) specifically required the filing of a CF 7529. When T.D. 87-75 was issued, this fact was overlooked. It had not been Customs intent to disallow the use of blanket release orders in appropriate situations. A blanket release order is a right-to-make-entry document for formal or informal entry procedures. It can be effective for the duration specified in the document.

Accordingly, Customs is now proposing to amend the regulations to specifically permit the use of blanket release orders by carriers. The regulations will permit appropriately modified bills of lading or air waybills to be used as blanket release orders.

Comments

Before adopting the proposed amendment, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, Room 2119, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, U.S. Customs Service.

However, personnel from other offices participated in its development.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

Blanket Release Orders

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to permit the use of blanket release orders by carriers in appropriate circumstances. A 1987 amendment to the Regulations which eliminated several Customs Forms also inadvertently eliminated all references to blanket release orders. It had not been the intention that the orders be eliminated. In order to clarify the status of these orders, this amendment of the regulations is proposed which will expressly permit use of blanket release orders.

DATES: Comments must be received on or before June 4, 1990.

ADDRESSES: Comments (preferably in triplicate) may be submitted to and inspected at the Regulations and Disclosure Law Branch, U.S. Customs Service, Room 2119, 1301 Constitution Avenue NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT:

John Pfeifer, Office of Cargo Enforcement, U.S. Customs Service, (202) 566-5354.

SUPPLEMENTARY INFORMATION:

Background

In 1987, as part of an ongoing effort to streamline its operations, the Customs Service issued T.D. 87-75 which eliminated Customs forms that were determined to require the submission of information already provided to Customs by other means. Among the forms which were eliminated was CF 7529, entitled Carrier's Certificate and Release Order. It had been determined

List of Subjects in 19 CFR Part 141

Customs duties and inspection; Imports.

Amendments to Regulations

It is proposed to amend part 141, Customs Regulations (19 CFR part 141) as set forth below:

PART 141—ENTRY OF MERCHANDISE

1. The general and relevant specific authority citation for part 141 would continue to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624. Subpart B also issued under 19 U.S.C. 1483.

2. Section 141.11 is amended by removing the designation "Reserved" in paragraph (a)(5), and adding a new paragraph (a)(5) to read as follows:

§ 141.11 Evidence of right to make entry for importations by common carrier.

(a) *

(5) A blanket carrier's release order on an appropriately modified bill of lading or air waybill covering any or all shipments which will arrive within the district on the carrier's conveyance during the period specified in the release order.

3. Section 141.111 is amended by adding a new paragraph (c) to read as follows:

§ 141.111 Carrier's release order.

(c) Blanket release order.

Merchandise may be released to the person named in the bill of lading or air waybill in the absence of a specific release order from the carrier, if the carrier concerned has filed a blanket order authorizing release to the owner or consignee in such cases. A carrier's certificate in the form shown in § 141.11(a)(4), may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's release order under § 141.11(a)(5).

Michael H. Lane,

Acting Commissioner of Customs.

Approved: March 28, 1990.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 90-7531 Filed 4-2-90; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 301

[GL-705-88]

RIN 1545-AM49

Time and Place of Examination

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the rules and regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations relating to the time and place of examination. The text of the temporary regulations also serves as a comment document for this notice of proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 18, 1990.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, Attn: CC:CORP:T:R (GL-705-88), Room 4429, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Nancy O. Ryan, 202-535-9678 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend the Procedure and Administration Regulations (26 CFR part 301) pursuant to section 7605(a) of the Internal Revenue Code. For the text of the regulations see T.D. 8297 published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the regulations.

Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably a signed original and seven copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Internal Revenue Service by any person who submits written comments. If a public hearing is to be held, notice of time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Nancy O. Ryan of General Litigation, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Disclosure of information, Employment taxes, Estate tax, Excise taxes, Filing requirements, Gift tax, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 90-7618 Filed 4-2-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 243

Effectiveness of Decisions and Orders Pending Appeal

March 27, 1990.

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule; notice of extension of public comment period.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that it is extending the public comment period on its Notice of Proposed Rule, which was published in the **Federal Register** on February 23, 1990 (55 FR 6401), that amends the regulations governing administrative appeals. In response to requests for additional time, MMS will extend the comment period from April 24, 1990, to May 24, 1990.

DATES: Comments must be received by 4 p.m. mountain time on May 24, 1990.

ADDRESSES: Written comments should be sent to the Minerals Management Service, Building 85, Denver Federal Center, P.O. Box 25165, Mail Stop 662, Denver, Colorado 80225, Attention: Dennis C. Whitcomb.

FOR FURTHER INFORMATION CONTACT:

Dennis C. Whitcomb, Chief, Rules and Procedures Branch, telephone (303) 231-3432 or (FTS) 326-3432.

Dated: March 27, 1990.

Donald L. Sant,
Acting Associate Director for Royalty Management.

[FR Doc. 90-7584 Filed 4-2-90; 8:45 am]

BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3751-6]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: USEPA is proposing to approve revisions to Wisconsin's Green Bay and DePere Sulfur Dioxide (SO₂) State Implementation Plan (SIP). The revisions amend Wisconsin's SO₂ SIP by adding Natural Resources (NR) 418.05(1), Emission Limits; NR 418.05(2), Annual Facility Limits; NR 418.05(3), Compliance Dates; and NR 418.05(4), Compliance Plans. USEPA's proposed rulemaking is based upon several submittals from the State. USEPA's proposed approval for these facility's emission limits today is intended to avoid delay in the establishment of federally enforceable emission limits for all sources in Brown County, while awaiting resolution of the NRDC remand.

DATES: Comments on this revision and on the proposed USEPA action must be received by June 4, 1990.

ADDRESSES: Copies of the proposed SIP revision and technical support documents are available at the following addresses for review: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V office).

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Wisconsin Department of Natural Resources, Bureau of Air

Management, 101 South Webster, Madison, Wisconsin 53707.

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible). Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: This notice presents a discussion of USEPA's review of the following proposed revisions to Wisconsin's Green Bay and DePere (Brown County) SO₂ Rules: NR 418.05(1), Emission Limits; NR 418.05(2), Annual Facility Limits; NR 418.05(3), Compliance Dates; and NR 418.05(4), Compliance Plans.¹ The four parts of this notice are: I. Background Information; II. Regulations; III. Technical Support; and IV. Conclusion.

I. Background Information

On October 10, 1980 (45 FR 67348), USEPA redesignated a portion of the City of Green Bay to primary nonattainment of SO₂. The nonattainment classification became effective as of November 10, 1980. USEPA stated in the final rulemaking notice that pursuant to USEPA guidance Wisconsin was required to submit within 12 months of the effective date of the redesignation (i.e., by November 10, 1981) an enforceable plan to attain and maintain the SO₂ national ambient air quality standards (NAAQS). Section 110(a)(2)(I) of the Clean Air Act, 42 U.S.C. 7510(a)(2)(I), provides for a moratorium on the construction and modification of major sources in any designated nonattainment area as defined by section 171(2) of the Clean Air Act, 42 U.S.C. 7501(2). Wisconsin did not submit an SO₂ SIP within 18 months of the effective date of the redesignation, so USEPA imposed a construction ban on May 10, 1982. According to USEPA's Policy for correction of part D SIPs for Nonattainment Areas, the construction ban remains in effect until USEPA approves a revised plan in final. See 48 FR 50695.

On January 23, 1984, the Wisconsin Department of Natural Resources

(WDNR) submitted a proposed revision to the SO₂ SIP for sources in the cities of Green Bay and DePere. USEPA requested that WDNR withdraw the SO₂ plan for Green Bay because stack height credits allowed for numerous stacks under this plan, potentially conflicted with the decision by the U.S. Court of Appeals for the DC Circuit regarding USEPA's 1982 Stack Height Regulations. (The court ordered USEPA to reconsider portions of the Stack Height Regulations, reversed certain portions, and upheld other portions.) On July 26, 1984, and October 11, 1984, USEPA notified WDNR that the Green Bay plan was not approvable due to numerous stack height and other technical issues.

On January 11, 1985, WDNR requested that USEPA defer action on its plan until after the USEPA Stack Height Regulations proposed in November 1984 became final. The Stack Height Regulations were promulgated by USEPA on July 8, 1985, 50 FR 27892. WDNR notified USEPA on February 5, 1986, that it was preparing additional technical support for the Green Bay and DePere plan and again requested that USEPA withhold rulemaking. On May 21, 1987, WDNR submitted additional information and asked USEPA to begin rulemaking on the Green Bay and DePere SO₂ plan.

Wisconsin's technical support for its Green Bay SO₂ plan consists of the several documents cited in USEPA's Technical Support Document, dated October 28, 1987. Additional information is cited below under specific technical or regulatory issues.

II. Regulations

(A) **NR 418.05(1)—Emission Limits:** A summary of the control strategy imposed on each source by NR 418.05(1) is detailed below:

1. **Wisconsin Public Services (WPS) Pulliam:**

(a) Replace three 56 meter (m) and three 72m boiler stacks with one 115m boiler stack.

(b) Boiler emission limits = 5.58 pounds of SO₂ per Million British Thermal Units (lbs/MMBTU).

2. **Proctor & Gamble (P&G) Fox River:**

(a) Boiler emission limit = 5.95 lbs/MMBTU (or 10.74 lbs/MMBTU, if the bark combustor is operating above 106 MMBTU/hour).

(b) Pulp digester emission limit = 6.03 pounds of SO₂ per hour (lbs/hour).

(c) Brown stack washer emission limit = 23.18 lbs/hour.

(d) Paper dryer emission limit = 94.13 lbs/hour.

(e) All other sources (vents) emission limit = 15.71 lbs/hour.

¹ Renumber from NR 154.12(7), Green Bay and DePere RACT sulfur limitations, as published in the (Wisconsin) Register, September, 1986, No. 369, effective October 1, 1986.

3. P&G East River:

- (a) Boiler emission limit = 1.50 lbs/MMBTU.
- (b) Paper dryer emission limit = 27.25 lbs/hour.

4. Fort Howard:

- (a) Replace one 58m boiler stack and one 75m boiler stack with one 108m boiler stack.
- (b) Boiler emission limit = 4.55 lbs/MMBTU.

5. Nicolet Paper:

- (a) Retain one 46m boiler stack and replace two 37m boiler stacks with one 64m stack.
- (b) Boiler emission limit = 2.54 lbs/MMBTU (for 46m stack).
- (c) Boiler emission limit = 3.20 lbs/MMBTU (for 64m stack).

6. James River:

- (a) Boiler emission limit = 2.10 lbs/MMBTU (>MMBTU/hour), 2.31 lbs/MMBTU (<360 MMBTU/hour).
- (b) Jensen acid towers emission limit = 9.21 lbs/hour.
- (c) Brown Stack Washers emission limit = 37.86 lbs/hour.
- (d) Spent sulfite liquor spray dryer emission limit = 25.71 lbs/hour.

7. Green Bay Packaging:

- (a) Replace two 12m boiler stacks, one 23m boiler stack, and one 46m boiler stack with one 65m boiler stack.
- (b) Boiler emission limit = 2.87 lbs/MMBTU (>309 MMBTU/hour) = 3.15 lbs/MMBTU (>158 MMBTU/hour, <309 MMBTU/hour) = 3.88 lbs/MMBTU (<MMBTU/hour).

The emission limitation for the process sources at P&G Fox River, P&G East River, and James River are expressed in terms of "lbs per hour". (Combustion source limits are expressed in terms of "lbs per MMBTU.") This form of limitation is acceptable given the on/off nature of the sources operations (i.e., the sources are only expected to operate at either 0.0 percent or 100 percent load).

The regulations for P&G Fox River, P&G East River, and Fort Howard have single emission limitations that apply to multiple release points. On January 22, 1987, USEPA asked WDNR for further justification for these collection emission limitations. In response, WDNR noted that these sources had accepted revised State compliance plans which imposed either stack-specific or fuel-type emission restrictions, consistent with the modeling analysis.

Because of these restrictions, USEPA proposes approval of NR 418.05(1).

(B) *NR 418.05(2)—Annual Facility Limits:*

The emission limitation for the process sources at P&G Fox River, P&G

East River, and James River are expressed in terms of "lbs per hour". (Combustion source limits are expressed in terms of "lbs per MMBTU".) This form of limitation is acceptable given the on/off nature of the sources operations (i.e., the sources are only expected to operate at either 0.0 percent or 100 percent load).

The State rule contains source-specific annual emission limitations for each of the seven sources, expressed in terms of "tons per calendar year," during the period from January 1, 1984, to December 31, 1988. USEPA is proposing to approve these annual emission limits for this 5-year period since the limits do not interfere and will possibly assist with attainment and maintenance of the NAAQS. The annual "cap" for each source restricts allowable annual emissions below the level that would otherwise be permitted by the lbs/MMBTU limits at full load/capacity.

For these reasons, USEPA proposes approval of NR 418.05(2).

(C) *NR 418.05(3)—Compliance Dates:*

The State rule requires final compliance by November 9, 1985. Because this date is already past (i.e., all sources are supposed to be in compliance consideration of consistency with the expeditious requirement of the Clean Air Act is moot). Although USEPA has some concerns about the enforceability of an annual emission limit, these concerns are moot here in view of the December 31, 1988, expiration date of the annual limits. Thus, USEPA proposes to approve the compliance date in the State rule.

(D) *NR 418.05(4)—Compliance Plans:*

The State required each company to develop a specific compliance plan and identifies some requirements for these plans. On May 28, 1987 and January 4, 1988, however, WDNR notifies USEPA that the stack test methodology set forth in NR 439 of the Wisconsin SIP remains an independent means of demonstrating compliance or noncompliance. Although WDNR has also developed site-specific compliance plans for each of the seven sources in Brown County, Wisconsin has clearly stated that "regardless of a source's compliance status as determined by the source's site-specific compliance methodology," a stack test can still be used to determine a violation and cannot be refuted by evidence of compliance by any other method.

This Wisconsin SIP currently contains section NR 439.025 (as submitted on November 27, 1979) of the Wisconsin Administrative Code. (In September 1988, Wisconsin renumbered this section as NR 439.) Section NR 439.025 requires of sources:

1. Reporting of "information to locate and classify air contaminant sources according to the type, level, duration, frequency and other characteristics of emissions and such other information as may be necessary. The information shall be sufficient to evaluate the effect of air quality and compliance with these rules."

2. Stack or performance testing following the methods required or approved by USEPA.

3. Recordkeeping and reporting of all testing and monitoring, and any other information relating to the emission of air contaminants.

USEPA is proposing action of the Green Bay plan based on the existing SIP requirements of NR 439.025 serving as the compliance test methods, because for all the Green Bay sources, a stack test is an acceptable test method. In accordance with an agreement between USEPA and the State, the site-specific compliance plans required by NR 418.05(4) (a), (b), (c), and (d) will not be included in the SIP.

P&G Fox River, Green Bay Packaging, and James River has emission limits that are a function of source operating levels. Two comments on these sources limits are noted. First, it is necessary to know the operating levels at all times in order to assess compliance. The recordkeeping requirements of NR 439.025 and NR 417.025 will be applied to obtain these data. NR 439.025 requires the reporting of information on the " * * * level, duration, frequency and other characteristics of emissions." NR 418.05(4)(f) requires each facility to maintain complete records of emission data and calculations used to verify emissions data of their premises and to make such records available upon request. USEPA will rely on the provisions of NR 439.025 and 417.025 to require that these three companies to record and report boiler operating load data and concurrent lbs/MMBTU data.

Second, USEPA is considering whether the source owner should be required to provide advance notification to WDNR and USEPA prior to switching between emission limit scenarios. Such notification would allow the applicable emission limitation to be specified for each averaging period. USEPA solicits comment on the need for advance notification and the minimum time, if any, within which notification should be required.

In summary, the following actions on NR 418.05 are being proposed:

NR 418.05(1), Emission Limits—approval

NR 418.05(2), Annual Facility Limits—approval

NR 418.05(3), Compliance Dates—approval ²

² All compliance dates have already passed.

NR 418.05(4), Compliance Plans—approval

III. Technical Support

A. Modeling Analysis

The dispersion modeling analyses performed to support the Green Bay and DePere SO₂ control strategy are addressed in USEPA's Technical Support Document. It should be noted that the analyses were performed consistent with the USEPA modeling guidelines in effect at that time. On September 9, 1986, and January 6, 1988 (51 FR 32176 and 53 FR 392), USEPA promulgated revisions to its modeling guidelines ("Guideline on Air Quality Models (Revised)", July 1986 and "Supplement A to the Guideline on Air Quality Model (Revised)" July 1987). On April 28, 1986, Region V requested its States to identify air quality analyses which should be grandfathered from any of the new requirements in the revised modeling guideline. On June 3, 1986, Wisconsin requested that the Green Bay and DePere analyses be grandfathered. Because the modeling was completed and the SIP revision was initially submitted prior to the publication of the revised guideline, Region V accepts the analyses as they stand.

The modeling consisted of running the Industrial Source Complex-Short Term model with 5 years of Green Bay meteorological data, 1973–1977. To support the use of the rural version of the model, WDNR performed a land use analysis consistent with USEPA's modeling guidelines. In lieu of a constant (monitored-based) background concentration, Wisconsin used a comprehensive point and area source inventory in their modeling. This approach is acceptable for this analysis because there are no other large SO₂ sources within 25 kilometers of the Green Bay area.

Critical 3-hour and 24-hour periods were modeled with all major sources both at their individual worst-case loads and a multiple combinations of operating loads (to account for sources interaction). Additional analyses were performed for James River, Green Bay Packaging, and P&G Fox River to support the multiple emission limits. The modeling predicts that the SO₂ NAAQS are protected with the emission limits in the Wisconsin plan. It should be noted that the State's attainment demonstrations is based on block average concentrations.

B. Prevention of Significant Deterioration

Most of the sources in Green Bay and DePere are located in an area currently

designated as primary nonattainment for SO₂. Consequently, the Prevention of Significant Deterioration (PSD) baseline date has not been established for this portion of Brown County. See part C of the Clean Air Act and 40 CFR 52.2. Because a SIP revision consumes PSD increment only if it results in an increase in baseline emissions, PSD increment consumption is not relevant with respect to this nonattainment portion of Brown County.

The baseline date for SO₂ was triggered in 1983 for the remaining portions of the County. Any increase in actual emissions since 1983 at sources in the Green Bay area would, therefore, affect the amount of available increment. The proposed State regulations, which are more stringent than the existing SIP, are not expected to cause an increase in actual emissions. Thus, no increment analysis in other portions of this (or any other nearby) county is necessary.

C. Stack Height Issues

The State rules require stack height increases and/or combining stack gases at P&G Fox River, WPS-Pulliam, Green Bay Packaging, Nicolet Paper, and Fort Howard. These credits are allowable under USEPA's July 8, 1985 (50 FR 27892), stack height rules.³

³ The Green Bay SO₂ plan must be consistent with USEPA's July 8, 1985, Good Engineering Practice (GEP) Stack Height Regulations, which implement the stack height provisions of section 123 of the Act. USEPA's July 8, 1985, stack height regulations apply to stacks (and sources) which came into existence and dispersion techniques implemented on or after December 31, 1970. Stack height credit for the purpose of establishing an emission limitation is restricted to GEP, i.e., the greater of 213 feet (65m) or the good GEP formula height. Credit for merged stacks (combined exhaust gas streams) is generally prohibited, with the following four exceptions:

1. Where total plant wide allowable SO₂ emissions do not exceed 5000 tons per year.
2. Where the stack was originally designed and constructed with merge gas streams.
3. Where such merging was before July 8, 1985, and was part of a change in operations that: (A) Included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and (B) did not result in an increase in the emission limitation of (if no limit was in existence prior to merging) in the actual emissions, or
4. Where such merging was after July 8, 1985, and was part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions for the pollutant affected by the change in operations.

Certain provisions of these rules were remanded to USEPA in *NRDC v. Thomas* (D.C. Cir. No. 85-1488 et al. (January 22, 1988)). These provisions are grandfathering stack height credits for sources which raised their stacks prior to October 1, 1983, up to the height permitted by GEP formula height [40 CFR 51.100(kk)(2)], dispersion credit for sources originally designed and constructed with merged or multi-flue stacks [40 CFR 51.00(hh)(2)(ii)(A)], and

USEPA is proposing to approve all of the above credits as meeting the requirements of USEPA's July 8, 1985, stack height regulations. However, for two sources, WPS-Pulliam and Fort Howard, a provision under which USEPA is proposing to approve stack height credit has been remanded to the USEPA (i.e., grandfathering pre-October 11, 1983, within-formula stack height increase from demonstration requirements). See *NRDC v. Thomas* (DC Cir. No. 85-1488 et al. (January 22, 1988)) and Footnote 3. Although USEPA today proposes to approve the emission limits for these sources because they satisfy the applicable section 110 and part D requirements of the Clean Air Act, USEPA also today provides notice that the emission limits are subject to review and possible revision as a result of NRDC. If USEPA's response to the NRDC remand modifies the applicable July 8, 1985, provision, USEPA will notify the State of Wisconsin whether the emission limit for WPS-Pulliam and Fort Howard must be reexamined for consistency with the modified provision.

USEPA's proposed approval for these facility's emission limits today is intended to avoid delay in the establishment of federally enforceable emission limits for all sources in Brown County, while awaiting resolution of the NRDC remand.

Each stack modification is discussed in detail in USEPA's Technical Support Document dated October 28, 1987. A summary of USEPA's review is provided below:

(a) Physical Stack Height—The new stacks at Green Bay Packaging and Nicolet Paper do not exceed the 65m de minimis height allowable by the regulation and are thus fully creditable. The new stacks at Fort Howard and WPS-Pulliam (which exceed 64m) are consistent with the GEP formula height and are thus fully creditable. The State's attainment demonstration relied on these new taller (creditable) stack heights.

(b) Merged Stacks—Credit for merged exhaust gas streams at Green Bay Packaging, Nicolet Paper Fort Howard, WPS-Pulliam, and P&G Fox River is acceptable for the SO₂ analysis for the following reason:

(1) Total plantwide allowable SO₂ emissions are less than 5000 tons per year (Green Bay Packaging and Nicolet),

(2) Merging was performed in conjunction with the installation of emissions control equipment and

grandfathering credit for the refined (H+1.5L) formula height for sources unable to show reliance on the original (2.5H) formula [40 CFR 51.100(j)(2)].

resulted in no increase in emissions (Fort Howard).

(3) Merging was performed for sound economic reasons (WPS-Pulliam).

(4) Merging was not significantly motivated by an intent to obtain emissions credit for increase dispersion (P&G—Fox River).⁴

IV. Conclusion

USEPA is proposing to approve Wisconsin's SO₂ plan for Green Bay and DePere because it assures the attainment and maintenance of the SO₂ NAAQS there.

USEPA is providing a 60-day comment period on this portion of the State's Part D SIP, because until the State's part D SIP is fully approved new sources in the State are subject to the prohibitions on growth under section 110(a)(2)(I) of the Act. USEPA believes that 60 days is ample time for the public to review and comment on today's proposal.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401-7642.

Dated: October 20, 1989.

Frank M. Covington,

Acting, Regional Administrator.

[FR Doc. 90-7604 Filed 4-2-90; 8:45 am]

BILLING CODE 6560-50-M

⁴ Note: A review of USEPA files uncovered numerous statements that imply that the tying-in of the bark combustor was significantly motivated by an intent to gain emission credit for greater dispersion. All of these statements are contained in documents dated August 20, 1982, or later. P&G has contended that according to USEPA guidance, memo, intent needs to be established "at the time" the decision was made to merge gas streams. P&G believes that this "time" is when it submitted the new source permit application for the bark combustor (i.e., on April 24, 1981). (Note, the bark combustor exhaust gases are shown vented to the boiler stack in the April 24, 1981, permit application. Thus, P&G has argued that the statements discovered by USEPA are not relevant and, furthermore, that there was "at the time the permit application was filed absolutely no realization or consideration on our part of obtaining any plume enhancement benefits as a result of the tie-in."

On August 28, 1986, WDNR notified USEPA that it has reviewed its files. Based on P&G's permit applications, WDNR stated that it was convinced that the primary reason for tying-in the bark combustor was an economic reason. USEPA has considered P&G's argument and is inclined to accept the date of permit application as the relevant date for establishing intent. USEPA wishes to solicit public comment on this issue, given its importance here.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 22

[CC Docket No. 90-6]

To Provide for the Filing and Processing of Applications for Unserved Areas in the Cellular Service and To Modify Other Cellular Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This Order grants in part a Motion for Extension of Time filed by the Cellular Telecommunications Industry Association (CTIA). CTIA has demonstrated good cause to warrant a grant of at least part of its request. This action is taken in order to give prospective commenters additional time to consider the complex issues in this proceeding and in turn file helpful comments. The deadline for the filing of comments in this rulemaking proceeding is extended to April 16, 1990. The deadline for filing reply comments is extended to May 8, 1990. The proposed rule appeared at 55 FR 4882 (February 12, 1990).

DATES: Comments must be submitted by April 16, 1990. Reply comments must be submitted by May 8, 1990.

ADDRESSES: Federal Communications Commission, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Carmen Borkowski, Mobile Services Division, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

Order

Adopted March 21, 1990.

Released March 29, 1990.

In the matter of amendment of part 22 of the Commission's rules to provide for filing and processing of applications for unserved areas in the cellular service and to modify other cellular rules.

By the Chief, Common Carrier Bureau:

1. On March 16, 1990, the Cellular Telecommunications Industry Association (CTIA) filed a Motion for Extension of Time to File Comments and Reply Comments in the captioned proceeding. In its motion CTIA requests a 30 day extension of the deadline for filing comments from April 2, 1990 to May 2, 1990, and a 30 day extension for the filing of reply comments from April 17, 1990 to May 17, 1990.

2. In support of its request, CTIA states that this proceeding raises a very large number of complex issues of great

importance to the public and the CTIA's members, which represent 553 of the 612 MSA cellular systems in the United States. CTIA contends that it needs more time to interact with its carrier members in order that it may formulate an adequate and helpful response. Moreover, the extension is warranted, CTIA maintains, in order to ensure a careful assessment of the important issues involved in this proceeding.

3. Extensions of time are not routinely granted. However, this proceeding does raise complex engineering questions, and we need a complete record in order to formulate final rules. Therefore, CTIA has demonstrated good cause to warrant a grant of at least part of its request. We believe that the grant of a fourteen day extension of time in which to file comments and one additional week for filing reply comments is justified. Such an extension will not substantially delay the Commission's timely consideration of this rulemaking. However, because the five-year expansion periods for existing cellular systems in Metropolitan Statistical Areas continue to run and are currently expiring in a number of these markets, this rulemaking must be resolved expeditiously. Therefore, the request for a 30-day extension is too long and no additional extension of time will be granted.

4. Accordingly, CTIA's motion for extension of time is granted to the extent indicated herein and otherwise is DENIED. The deadline for the filing of comments in the captioned proceeding is extended to April 16, 1990. The deadline for filing reply comments is extended to May 8, 1990.

Federal Communications Commission.

Richard M. Firestone,

Chief, Common Carrier Bureau.

[FR Doc. 90-7559 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-164; RM-6814, RM-6926]

Radio Broadcasting Services; St. Augustine and St. Augustine Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on two separately filed petitions. The first petition, filed by Kyle E. Magrill ("Magrill"), proposes the allotment of Channel 231A to St. Augustine Beach, Florida, as that community's first local FM service. The second petition, filed by First City

Broadcasting, Inc., ("First City"), licensee of Station WSOS(FM), Channel 288A at St. Augustine, Florida, proposes the substitution of Channel 231C3 for Channel 288A at St. Augustine and modification of its license to specify operation on the higher class channel. In accordance with Section 1.420 of the Commission's Rules, Station WSOS(FM)'s license may not be modified herein to specify non-adjacent Channel 231C3 if a competing expression of interest is received unless there is an additional equivalent class channel available for allotment. The coordinates for Channel 231A at St. Augustine Beach, Florida, are North Latitude 29°55'-37" and West Longitude 81°18'-06". The coordinates for Channel 231C3 at St. Augustine, Florida, are North Latitude 29°55'-05" and West Longitude 81°23'-26".

DATES: Comments must be filed on or before May 17, 1990, and reply comments on or before June 1, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Kyle E. Magrill, P.O. Box 456, Orange Lake, Florida 32681, John F. Garziglia, Pepper & Corazzini, 1776 K Street, NW., Suite 200, Washington, DC 20006 (Attorney for First City Broadcasting, Inc.).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-164, adopted March 12, 1990, and released March 26, 1990. The full text of this Commission decision available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-7513 Filed 04-02-90; 8:45 am]

BILLING CODE 6712-01-M

Provisions of the Regulatory Flexibility Act of 1980 do not apply to the proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR section 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-7514 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-195; RM-7152]

Radio Broadcasting Services; Brookline, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document requests comments on a petition for rule making filed by Dowdy and Dowdy Partnership, licensee of Station WZKX(FM), Channel 300C, Poplarville, Mississippi, seeking to change the community of license for Channel 300C from Poplarville to Bay St. Louis, Mississippi, and to modify its license accordingly. The coordinates for Channel 300C at Bay St. Louis are 30°44'-48" and 89°03'-30".

DATES: Comments must be filed on or before May 18, 1990, and reply comments on or before June 4, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence J. Bernard, Jr., Ward & Mendelsohn, P.C., 1100 17th Street, NW., Suite 900, Washington, DC 20036 (Counsel for petition).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-163, adopted March 12, 1990, and released March 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

SUMMARY: The FCC is revising the docket number in this proceeding from MM Docket 90-132 to MM Docket 90-195 which appeared in the Federal Register on March 23, 1990 (55 FR 10791).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in CFR Part 73

Radio Broadcasting.

Dated: March 29, 1990.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-7558 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

**INTERSTATE COMMERCE
COMMISSION**
49 CFR Part 1039
[Ex Parte No. 346 (Sub-No. 25)]
**Rail General Exemption Authority;
Lumber or Wood Products**
AGENCY: Interstate Commerce
Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is seeking public comment on whether to exempt the transportation by rail of lumber, plywood, and treated wood products from its regulation. If exempted, these commodities would be added to the list of exempt commodities identified in 49 CFR part 1039, as set forth below. The effect of this proposed exemption would be to treat the movement of these products on flatcars and other railroad equipment in the same way that they are currently treated when moving in boxcars.

DATES: Any person interested in participating in this proceeding as a party of record by filing and receiving written comments must file a notice of intent to do so by April 13, 1990. We will issue a service list of the parties of record shortly thereafter. Petitioner and any parties who have already submitted initial comments will have 10 days after service of the service list to serve each party on the list with a copy of their filing. Other initial written comments must be filed within 30 days after service of the service list. All parties will have 50 days after service of the service list to reply. The exact filing dates will be specified in the notice accompanying the service list. Comments must be served upon all parties of record.

ADDRESSES: Send notices of intent and an original and 10 copies of pleadings referring to Ex Parte No. 346 (Sub-No. 25) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Michael A. Redisch, (202) 275-1914.
[TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: The Association of American Railroads (AAR) has petitioned for an exemption under 49 U.S.C. 10505 for the rail transportation of lumber, plywood, and particle board.¹ AAR seeks exemption

¹ Standard Transportation Commodity Code (STCC) Nos. 24-2, 24-3, and 24-9, respectively. AAR asks for exemption of STCC 24-9, which it refers to as "particleboard." The Commission has already

from our regulation for all rail carriers nationwide. As discussed below, we are instituting this rulemaking.

Section 10505 requires us to grant an exemption when we find that: (1) Regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not needed to protect shippers from an abuse of market power. AAR contends that its proposal meets these criteria.

AAR notes that, in our recently completed *Rail Exemption—Miscellaneous Manufactured Commodities*, 6 I.C.C.2d 186 (1989), four lumber shippers requested that the lumber products at issue be exempted on the basis of their favorable experience with boxcar deregulation.² In that proceeding, we said we would entertain such requests in a separate proceeding.

AAR asserts that, like prior exemptions, this one would promote the rail transportation policy goals of increased competition, reduced federal regulation, efficient transportation, decreased administrative burdens for railroads and shippers, increased ratemaking flexibility, and financially healthier railroads. More particularly, it notes that much of the traffic at issue—that moving in boxcars and TOFC/COFC service—is already exempt from regulation. AAR suggests that this exemption would eliminate artificial distinctions between movements based solely on the type of railroad car used. This situation, it asserts, has caused distortions in railroad car investment, service, and pricing. AAR states that this exemption would eliminate confusion and paperwork costs resulting from separate rates on the same commodity based solely on equipment availability. AAR argues that regulation of lumber or wood shipments not moving in boxcars results in costly administrative delays in marketing rail services, as tariffs and transportation contracts need to be filed with the Commission.

AAR asserts that continued regulation is unnecessary to protect shippers from the abuse of market power. It contends that the traffic covered by the proposed exemption is subject to effective competition, as indicated by modest rail market shares and relatively low

exempted particleboard under this STCC Code. "Treated wood products," also included under STCC 24-9 have not been exempted, and we are providing notice of their proposed exemption here.

² These petitions of Boise Cascade Corporation, Forest City Trading Group, Inc., Manville Forest Products Corporation, and RSG Forest Products, Inc., are appended to AAR's petition.

revenue-to-variable-cost (r/vc) ratios.³ AAR stresses the industry's relatively low r/vc ratios (between 118 and 131 percent) for wood products and lumber⁴ in 1984, and ratios of a similar magnitude for individual railroads.⁵ It asserts that motor competition is prevalent as indicated by the fact that the share of total lumber tonnage moving by truck increased from 34.8 percent in 1972 to 56.2 percent in 1986. AAR also maintains that various lumber producing regions, particularly the northwestern and southeastern U.S. and western Canada, compete vigorously with one another, as illustrated by changing market shares in recent years.

AAR also asserts that its proposed exemption is limited in scope because rail shares of lumber traffic have fallen significantly over the last two decades, and that regulated shipments of lumber, plywood and particle board (on flatcars) is less than 1 percent of the nation's rail traffic.

We invite comment and data concerning this exemption proposal.⁶

This action does not appear significantly to affect the quality of the human environment or the conservation of energy resources. We also certify that the proposed exemption will not have a significant economic impact on a substantial number of small entities, but will reduce unnecessary duplication and regulatory burdens and delays.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Decided: March 27, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmet.

Noreta R. McGee,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1039

³ In 1985, of the two principal commodities at issue carried by railroads, only 27.2 percent of lumber (STCC No. 24-21) moved by rail, and only 29.2 percent of plywood and veneer (STCC No. 24-32) moved by rail.

⁴ These rates are considerably below the 180 percent jurisdictional threshold. 49 U.S.C. 10709(D)(2).

⁵ For example, UP/MP's 1986 r/vc ratios for lumber in boxcars and flatcars, respectively were 114 and 134 percent, and for plywood were 115 and 162 percent.

⁶ This could include (but is not limited to) traffic trends and market share data for specific markets and mileage blocks, relative levels and trends in rates, changes in lumber prices and shipment patterns that might reflect geographic competition, and comparisons of market data for regulated and non-regulated traffic, including supporting rational and/or anecdotal information.

of the Code of Federal Regulations is proposed to be amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for 49 CFR part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10762 and 11105, 5 U.S.C. 553.

2. Section 1039.11(a) is proposed to be amended by adding to the end of the chart the following commodities and by removing the words "except 24 91 Treated wood products" from the commodity column of STCC No. 24 9:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
242	do	Sawmill or planing mill products.
243	do	Millwork or prefabricated wood products or plywood or veneer.

[FR Doc. 90-7606 Filed 4-2-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 900253-0086]

Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 2 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This proposed rule would prohibit the harvest or possession of jewfish in or from the exclusive economic zone (EEZ) in the Gulf of Mexico. The intended effect of this rule is to reduce fishing mortality of jewfish so that the species may be protected and the stock rebuilt.

DATES: Written comments must be received on or before May 14, 1990.

ADDRESSES: Requests for copies of Amendment 2, which includes a regulatory impact review/environmental assessment (RIR/EA) should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 881, Tampa, Florida 33609.

Comments on the proposed rule should be sent to Robert A. Sadler, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT:

Robert A. Sadler, 813-893-3722.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP prepared by the Gulf of Mexico Fishery Management Council (Council), and its implementing regulations at 50 CFR part 641, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.* Amendment 1 to the FMP and its implementing regulations (55 FR 2078; January 22, 1990) made major changes to the FMP's management measures to conserve and manage the reef fish fishery, some species of which are severely overfished. Amendment 2, which is presently under review by the Secretary of Commerce (Secretary), if approved, would impose a ban on harvest and possession of jewfish in or from the EEZ.

Background

Commercial and recreational fishermen who target jewfish report that the species has been decreasing in abundance and is disappearing in some areas. Jewfish are highly residential; that is, they remain associated with specific high-profile reef and wreck structures, and, thus, are easily targeted by anglers and divers. They are a curious fish that will often approach divers. In some locations, they form spawning aggregations during the summer months when diving and angling pressures are the heaviest and, thus, are even more susceptible to harvest. In addition, they are slow-growing and late-maturing fish. All of these characteristics make them highly susceptible to overfishing.

Jewfish are known to range throughout the Gulf of Mexico but are concentrated off the west coast of Florida. Based on preliminary data provided by the Florida Department of Natural Resources, spawning stock biomass analyses of jewfish indicate that current fishing conditions will deplete the spawning stock biomass per recruit (SSBR) ratio to between 1 and 11 percent of the level obtainable under a no-fishing regime. This is substantially below the Council's target SSBR ratio of 20 percent. More definitive data on the spawning stock biomass and other data on jewfish are not available. In view of the relative scarcity of jewfish, such data are not likely to become available, and, consequently, a definitive stock

assessment cannot readily be accomplished.

Amendment 1 provided some protection for jewfish by imposing a 50-inch minimum size limit, a recreational bag limit of five groupers in aggregate (including jewfish) per person per day, and a prohibition on the sale of reef fish caught under recreational bag limits. However, after submission of Amendment 1, the Council received testimony from knowledgeable commercial jewfish fishermen and correspondence from fishermen, divers, and dive-boat operators that presented an informed consensus that jewfish are seriously overfished and in need of total protection. The Council concurred and, accordingly, to protect jewfish and allow the depleted resource to rebuild, (1) requested that an emergency rule be implemented as an interim measure and (2) proposed this rule to prohibit the harvest or possession of jewfish in or from the EEZ on a continuing basis. An emergency rule to prohibit the harvest or possession of jewfish in or from the EEZ became effective March 2, 1990 (55 FR 8143, March 7, 1990).

Effective February 1, 1990, Florida banned possession and sale of jewfish in or from its waters. This proposed rule would complement Florida's regulations and protect jewfish throughout the EEZ in the Gulf of Mexico.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Public Law 99-659, requires the Secretary to publish regulations proposed by a Council within 15 days of receipt of an FMP amendment and regulations. At this time, the Secretary has not determined that Amendment 2, which this proposed rule would implement, is consistent with the National Standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Under Secretary for Oceans and Atmosphere, NOAA, has initially determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100

million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a regulatory impact review (RIR) which concludes that this rule, if adopted, would have relatively minor negative short-run economic effects. The commercial sector would lose about \$45,000 in ex-vessel revenues. Reduction in economic output would be valued at less than \$100,000. An undetermined amount of loss in consumer welfare would ensue if supply from other areas could not meet existing demand. In the recreational jewfish fishery, fishermen are expected to have a short-run loss of \$0.43 to \$1.54 per trip, which results from their inability to retain any jewfish caught. If rebuilding of the fishery occurs as expected, such fishermen will enjoy increased benefits per trip associated with higher catch rates. If the fishery is rebuilt to a level sufficient to allow retention of jewfish, additional benefits will accrue. A copy of the RIR may be obtained at the address listed above.

The RIR also describes the effects this rule, if adopted, would have on small business entities. The effects are summarized as follows. The closure of the fishery would affect a small number of commercial fishermen, mainly divers, in such a manner that full-time employment would be reduced by two to three jobs. A small number of for-hire boats (essentially dive boats) would similarly be affected by the closure. The impacts on these small businesses are limited to those who keep their catches for personal use, and would also be expected to be minimal. Since Amendment 1 established a recreational bag limit of five groupers (including jewfish) per person per day, and also

prohibited the sale of all reef fish caught under the recreational limits, Amendment 2 will not have an economic impact on recreational harvesters. The for-hire customers who dive in order to observe or photograph jewfish in their natural habitat would benefit from the anticipated rebuilding of the fishery. The long-range effects of prohibiting harvest will include a recovery of jewfish, which may warrant future reopening of the fishery and will be beneficial to participants.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Council has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not have an approved coastal zone management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 28, 1990.

James E. Douglas,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 641 is proposed to be amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 641.7, new paragraph (V) added on March 7, 1990, at 55 FR 8144 is proposed to be added permanently to read as follows:

§ 641.7 Prohibitions.

(v) Harvest or possess a jewfish in or from the EEZ.

§ 641.21 [Amended]

3. In § 641.21, paragraph (a)(4) is removed and paragraphs (a)(5) through (a)(7) are redesignated as paragraphs (a)(4) through (a)(6).

4. In § 641.24, paragraph (b)(3) revised on March 7, 1990, at 55 FR 8144 is proposed to be revised permanently and new paragraph (b)(5) added on 3-7-90 at 55 FR 8144 is proposed to be added permanently to read as follows:

§ 641.24 Bag and possession limits.

(b) *

(3) Groupers, excluding jewfish—5.

(5) Jewish—0.

5. In § 641.25, new paragraph (d) added on 3-7-90 at 55 FR 8144 is proposed to be added permanently to read as follows:

§ 641.25 Commercial quotas.

(d) Jewfish—0 pounds.

[FR Doc. 90-7554 Filed 3-29-90; 11:28 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 55, No. 64

Tuesday, April 3, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Soft White Wheat Calibration

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Beginning April 3, 1990, the Federal Grain Inspection Service (FGIS) will implement an updated calibration for near infrared reflectance (NIR) instruments for Soft White Wheat (SWW) protein determinations.

FOR FURTHER INFORMATION CONTACT:

Paul D. Marsden, Federal Grain Inspection Service, USDA, Room 0628-S, P.O. Box 96454, Washington, DC 20090-6454; Telephone 202/475-3428.

SUPPLEMENTARY INFORMATION: An updated SWW calibration for NIR instruments will be implemented for protein determinations. The calibration was developed with the assistance of the U.S. Department of Agriculture's Agricultural Marketing Service, Commodities Scientific Support Division, Statistics Branch. New NIR values will be issued for the entire set of five National Standard Reference Samples. The samples are used to detect instrument drift and keep the NIR instruments aligned with the reference Kjeldahl laboratory at the FGIS Technical Center in Kansas City, Missouri. Beginning April 3, 1990, the new calibration will be implemented in FGIS field offices and the official agencies in their circuits in the following sequence:

1. Wichita, KS; Moscow, ID.
2. Duluth, MN; Portland, OR.
3. Olympia, WA.
4. Sacramento, CA.

The new calibration for SWW will determine protein on a 12% moisture basis directly. The previous calibration required separate moisture and protein measurements. NIR instruments were

formatted previously to calculate protein to a 12% moisture basis. This will not be necessary with the new calibration.

A technical review of the new calibration indicates that the effect on the national system should be minimal; however, the precise impact of the new calibration at any given location cannot be accurately predicted.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: March 27, 1990.

D.R. Galliart,

Acting Administrator.

[FR Doc. 90-7468 Filed 4-2-90; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

The Florida National Scenic Trail Advisory Council; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The notice sets forth the schedule and proposed agenda of a forthcoming meeting of The Florida National Scenic Trail Advisory Council.

DATES: The meeting is scheduled for Saturday, May 5, 1990, 9 a.m. Anyone wishing to make an oral statement must contact the Florida National Scenic Trails Coordinator by April 30, 1990.

ADDRESSES: The meeting will be held at the Lakeside Inn, 100 S. Alexander Street, Mt. Dora, Florida 32757. Send written statements to National Forests in Florida, 227 N. Bronough Street, suite 4061, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT:

Mason C. Miller Jr., Florida National Scenic Trails Coordinator, (904) 681-7293.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Interested persons may make oral comments during the public comment period. Anyone wishing to make an oral statement must contact the Florida National Scenic Trails Coordinator by April 30, 1990.

Jim Pace, Advisory Council Chairman, will conduct the meeting.

Representatives of the Forest Service will attend, including Larry Kolk, the designated officer of the Federal Government.

The Agenda for the meeting will include:

1. Opening remarks, introductions.
2. Update of Florida National Scenic Trail Certification Plans.
3. Planning for the 1990's—A Five Year Action Plan.
4. Miscellaneous announcements.
5. Public comments.

Dated: March 28, 1990.

William C. Bodie,

Acting Forest Supervisor.

[FR Doc. 90-7587 Filed 4-2-90; 8:45 am]

BILLING CODE 3410-11-M

Newspapers Used for Publication of Legal Notice of Appealable Decisions for the Northern Region; Idaho, Montana, North Dakota, and Portions of South Dakota and Eastern Washington

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Forests, and the Regional Office of the Northern Region to publish legal notice of all decisions subject to appeal under 36 CFR 217. This action is necessary to implement the Secretary of Agriculture's interim rule amending the Forest Service administrative appeal procedures, which was signed on February 26, 1990, and was published in the *Federal Register* on March 6, 1990. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices of decisions, thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

DATES: Publication of legal notices in the listed newspapers will begin with decisions subject to appeal that are made on or after April 5, 1990. The list of newspapers will remain in effect until October 1990, when another notice will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Randy Phillips; Regional Appeals Coordinator; Northern Region; P.O. Box 7669; Missoula, Montana 59807. Phone: (406) 329-3200.

SUPPLEMENTARY INFORMATION: On February 26, 1990, the Secretary of Agriculture signed an interim rule amending the administrative appeal

procedures 36 CFR 217 of the Forest Service to require publication of legal notice in a newspaper of general circulation of all decisions subject to appeal. This newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing, and to those known to be interested and affected by a specific decision.

The legal notice is to identify: The decision by title and subject matter, the date of the decision, the name and title of the official making the decision, and how to obtain copies of the decision. In addition, the notice is to state that the date the appeal period begins is the day following publication of the notice.

In addition to the principle newspaper listed for each unit, some Forest Supervisors and District Rangers have listed newspapers providing additional notice of their decisions. The timeframe for appeal shall be based on the date of publication of the notice in the first (principal) newspaper listed for each unit.

The newspapers to be used are as follows:

Northern Regional Office

Regional Forester decisions in Montana: *The Missoulian*, Missoula, Montana *Great Falls Tribune*, Great Falls, Montana *The Billings Gazette*, Billings, Montana Regional Forester decisions in Northern Idaho and Eastern Washington:

The Spokesman Review, Spokane, Washington

Regional Forester decisions in North Dakota:

Bismarck Tribune, Bismarck, North Dakota.

Regional Forester decisions in South Dakota:

Fargo Forum, Fargo, North Dakota.

Montana National Forests

Beaverhead National Forest

Beaverhead Forest Supervisor decisions: *Montana Standard*, Butte, Montana Madison District Ranger decisions: *Montana Standard*, Butte, Montana Newspaper providing additional notice of Madison District Ranger decisions:

Bozeman Chronicle, Bozeman, Montana

Bitterroot National Forest

Bitterroot Forest Supervisor decisions: *Ravalli Republic*, Hamilton, Montana Newspaper providing additional notice of Bitterroot Forest Supervisor decisions:

Idaho County Free Press, Grangeville, Idaho

West Fork District Ranger decisions:

Ravalli Republic, Hamilton, Montana

Newspaper providing additional notice of West Fork District Ranger decisions:

Idaho County Free Press, Grangeville, Idaho

Clearwater National Forest

Clearwater Forest Supervisor decisions:

Lewiston Morning Tribune, Lewiston, Idaho

Clearwater Tribune, Orofino, Idaho

Pierce District Ranger decisions:

Lewiston Morning Tribune, Lewiston, Idaho

Clearwater Progress, Kamiah, Idaho

Palouse District Ranger decisions:

Lewiston Morning Tribune, Lewiston, Idaho

Idahonian, Moscow, Idaho

North Fork District Ranger decisions:

Lewiston Morning Tribune, Lewiston, Idaho

Clearwater Tribune, Orofino, Idaho

Idahonian, Moscow, Idaho

Missoulian, Missoula, Montana

Lochsa District Ranger decisions:

Idaho County Free Press, Grangeville, Idaho

Clearwater Progress, Kamiah, Idaho

Powell District Ranger decisions:

Lewiston Morning Tribune, Lewiston, Idaho

Missoulian, Missoula, Montana

Custer National Forest

Custer Forest Supervisor decisions in North Dakota:

Bismarck Tribune, Bismarck, North Dakota

Fargo Forum, Fargo, North Dakota

Custer Forest Supervisor decisions in South Dakota:

Fargo Forum, Fargo, North Dakota

Lemmon Leader, Lemmon, South Dakota

Custer Forest Supervisor decisions in Montana:

Billings Gazette, Billings, Montana

Sheyenne District Ranger decisions:

Fargo Forum, Fargo, North Dakota

Beartooth District Ranger decisions:

Carbon County News, Red Lodge, Montana

Sioux District Ranger decisions:

Nation's Center News, Buffalo, South Dakota

Ashland District Ranger decisions:

Billings Gazette, Billings, Montana

Grand River District Ranger decisions:

Lemmon Leader, Lemmon, South Dakota

Adams County Record, Hettinger, North Dakota

Medora District Ranger decisions:

Dickinson Press, Dickinson, North Dakota

McKenzie District Ranger decisions:

Williston Daily Herald, Williston, North Dakota

Deerlodge National Forest

Deerlodge Forest Supervisor decisions: *Montana Standard*, Silver Bow County, Montana

Butte District Ranger decisions:

Montana Standard, Silver Bow County, Montana

Jefferson District Ranger decisions:

Montana Standard, Silver Bow County, Montana

Philipsburg District Ranger decisions:

Montana Standard, Silver Bow County, Montana

Flathead National Forest

Flathead Forest Supervisor decisions:

The Daily Interlake, Kalispell, Montana

Flathead District Ranger decisions:

The Daily Interlake, Kalispell, Montana

Gallatin National Forest

Gallatin Forest Supervisor decisions:

Bozeman Daily Chronicle, Bozeman, Montana

Billings Gazette, Billings, Montana

Hebgen Lake District Ranger decisions:

Bozeman Daily Chronicle, Bozeman, Montana

Billings Gazette, Billings, Montana

Newspaper providing additional notice of Hebgen Lake District Ranger decisions:

West Yellowstone News, West Yellowstone, Montana

Livingston District Ranger decisions:

Bozeman Daily Chronicle, Bozeman, Montana

Billings Gazette, Billings, Montana

Newspaper providing additional notice of Livingston District Ranger decisions:

Livingston Enterprise, Livingston, Montana

Gardiner District Ranger decisions:

Bozeman Daily Chronicle, Bozeman, Montana

Billings Gazette, Billings, Montana

Newspaper providing additional notice of Gardiner District Ranger decisions:

Livingston Enterprise, Livingston, Montana

Big Timber District Ranger decisions:

Bozeman Daily Chronicle, Bozeman, Montana

Billings Gazette, Billings, Montana

Newspaper providing additional notice of Big Timber District Ranger decisions:

Big Timber Pioneer, Big Timber, Montana

Helena National Forest

Helena Forest Supervisor decisions:

Independent Record, Helena, Montana

Helena District Ranger decisions:

Independent Record, Helena, Montana

Idaho Panhandle National Forest

Idaho Panhandle Forest Supervisor decisions:

Spokesman Review, Spokane, Washington

Newspaper providing additional notice of Idaho Panhandle Forest Supervisor decisions:

Coeur d'Alene Press, Coeur d'Alene, Idaho

Idaho Panhandle District Ranger decisions:

Spokesman Review, Spokane, Washington

Newspaper providing additional notice of Idaho Panhandle District Ranger decisions:

Coeur d'Alene Press, Coeur d'Alene, Idaho

Kootenai National Forest

Kootenai Forest Supervisor decisions:

Western News, Libby, Montana

Tobacco Valley News, Eureka, Montana

Sanders County Ledger, Thompson Falls, Montana

Newspaper providing additional notice of Kootenai Forest Supervisor decisions:

Bonners Ferry Herald, Bonners Ferry, Idaho

Rexford District Ranger decisions:

Tobacco Valley News, Eureka, Montana

Western News, Libby, Montana

Fortine District Ranger decisions:

Tobacco Valley News, Eureka, Montana

Newspaper providing additional notice of Fortine District Ranger decisions:

Western News, Libby, Montana

Daily Interlake, Kalispell, Montana

Three Rivers District Ranger decisions:

Western News, Libby, Montana

Newspaper providing additional notice of Three Rivers Ranger decisions:

Bonners Ferry Herald, Bonners Ferry, Idaho

Libby District Ranger decisions:
Western News, Libby, Montana

Fisher River District Ranger decisions:
Western News, Libby, Montana
Cabinet District Ranger decisions:
Sanders County Ledger, Thompson Falls, Montana

Lewis and Clark National Forest

Lewis and Clark Forest Supervisor decisions:

Great Falls Tribune, Great Falls, Montana
Lewis and Clark District Ranger's decisions:

Great Falls Tribune, Great Falls, Montana
Newspaper providing additional notice of Lewis and Clark District Ranger's decisions:
Rocky Mountain District Ranger decisions:
Choteau Acantha, Choteau, Montana
Sun Valley Sun, Augusta, Montana
Glacier Reporter, Browning, Montana
Judith District Ranger decisions:
Judith Basin Press, Stanford, Montana
News Argus, Lewistown, Montana
River Press, Fort Benton, Montana
Independent Record, Helena, Montana
Billings Gazette, Billings, Montana
Meagher County News, White Sulphur Springs, Montana
Havre Daily News, Havre, Montana
The Eagle, Stockett, Montana
Musselshell District Ranger decisions:
Times Clarion, Harlowton, Montana
Billings Gazette, Billings, Montana
Kings Hill District Ranger decisions:
Meagher County News, White Sulphur Springs, Montana
The Eagle, Stockett, Montana

Lolo National Forest

Lolo Forest Supervisor decisions:
Missoulian, Missoula, Montana
Missoula District Ranger decisions:
Missoulian, Missoula, Montana
Ninemile District Ranger decisions:
Missoulian, Missoula, Montana
Seeley Lake District Ranger decisions:
Missoulian, Missoula, Montana
Plains/Thompson Falls District Ranger decisions:

Sanders County Ledger, Thompson Falls, Montana

Superior District Ranger decisions:
Mineral Independent, Plains, Montana

Nezperce National Forest

Nezperce Forest Supervisor decisions:
Idaho County Free Press, Grangeville, Idaho
Nezperce District Ranger's decisions:
Idaho County Free Press, Grangeville, Idaho
Newspaper providing additional notice of Nezperce District Ranger's decisions:
Selway District Ranger decisions:
Clearwater Progress, Kamiah, Idaho.

Dated: March 28, 1990.

John M. Hughes,

Deputy Regional Forester.

[FR Doc. 90-7628 Filed 4-2-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 91176-0066]

Guidelines for Export Transactions Involving Chemical Processing Equipment

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Notice on chemical processing equipment exports.

SUMMARY: As part of U.S. efforts to halt the proliferation and illegal use of chemical weapons, the Department of Commerce controls the export of 50 chemicals that can be used in the production of chemical weapons. These controls demonstrate the U.S. commitment to cooperate in multilateral efforts to control chemicals identified as weapon precursors and to support the international obligations agreed to in the 1925 Geneva Protocol banning the first use in war of gases and bacterial agents. Comparable, multilaterally coordinated controls have not been imposed on chemical processing equipment that can be used to produce chemical weapon precursors.

However, the Department of Commerce encourages U.S. industry to be alert to suspicious business transactions involving chemical processing equipment. The following guidelines are provided to enable suppliers of such equipment to identify suspicious transactions and to advise appropriate authorities of such transactions. This is an advisory notice only, not a rulemaking action. As such, this notice does not impose new or additional requirements under the Export Administration Regulations.

FOR FURTHER INFORMATION CONTACT:

Toni Jackson, Country Policy Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-4531.

SUPPLEMENTARY INFORMATION: The confirmed use of chemical weapons and reports of their increasing proliferation over the past decade have caused considerable international concern. The United States actively supports negotiations in Geneva toward a global and verifiable ban on chemical weapons, and will continue to take steps toward reducing the spread of chemical weapons until a final agreement is reached.

In particular, the United States actively participates in the 20-nation Australia Group which seeks to prevent the proliferation of chemical weapons

by regulating trade in certain chemical weapon precursors. The Group has identified 50 precursor chemicals and works to harmonize national export controls on these precursors.

The United States has imposed export controls on all 50 precursor chemicals. (A list of these precursors is included at the end of this notice.)

Multilateral export control efforts have not included chemical processing equipment. Instead, our efforts to prevent the diversion and use of such equipment in the manufacture of chemical weapons have relied on the cooperation of U.S. industry. Companies producing or selling chemical manufacturing, processing or handling equipment for the civil chemical industry should be aware of transactions that could inadvertently contribute to the spread of chemical weapons. Companies should be particularly alert to orders for equipment to manufacture or process the listed chemicals.

The following set of guidelines is being issued by the Department of Commerce, in consultation with the Department of State, to alert industry to suspicious transactions and potential diversion of chemical processing equipment to entities involved in the manufacture of chemical weapons. These guidelines have been adopted by the member governments of the Australia Group, which have agreed to provide them to their respective industries. These guidelines are not regulations. U.S. firms are asked to contact the Office of Export Enforcement, U.S. Department of Commerce, 14th and Pennsylvania Avenue NW., Washington, DC 20230, (202) 377-8208, if any suspicious circumstances arise during a transaction involving chemical processing equipment or if additional information or guidance is required.

Dated: March 29, 1990.

Kenneth A. Cutshaw,

Deputy Assistant Secretary for Export Enforcement.

Guidelines for Identifying Suspicious Business Transactions Involving Chemical Processing Equipment

1. Approach from previously unknown customers (including those who require technical assistance) whose identity is not clear.

2. Transaction involving an intermediary agent and/or final consignee that is unusual in light of their usual business.

3. Customer's reluctance to give sufficient explanation of the chemicals

to be produced with the equipment and purpose of use of those chemicals, or customer's use of evasive responses.

4. Customer's reluctance to provide information on the location of the plant/place where the equipment is to be installed.

5. Customer's reluctance to explain sufficiently the chemical raw materials to be used with the equipment.

6. Customer's reluctance to provide clear answers to routine commercial or technical questions.

7. Customer in military-related business, such as customer under the control of a defense ministry or the armed forces.

8. Customer's reason for needing equipment is unlikely in view of customer's usual business or technological level.

9. Equipment to be installed in an area under strict security control, such as in an area close to military-related facilities or an area to which access is severely restricted.

10. Equipment to be installed at a location that is unusual in light of the character of the equipment.

11. Unusual customer request concerning the shipment or labeling of goods.

12. Unusually favorable payment terms, such as a higher market price or better interest rate than in the prevailing market or a lump-sum cash payment.

13. Unusual customer request for excessive confidentiality regarding final destination or details of products to be delivered.

14. Order for excessive safety or security devices/measures in light of the nature of the equipment.

15. Requests for normally unnecessary devices (e.g. excessive quantity of spare parts) or no request for usually necessary devices for the equipment, and lack of convincing explanation for such requests or non-requests.

16. No request for a performance guarantee, warranty or service contract.

17. No request for usually necessary technical experts' assistance or training for the installation or operation of the equipment.

18. Customer requests completion of a partly finished project.

19. Contractor is refused access to parts of the plant other than those involved with the contract.

20. Contract for the construction or revamping of a plant is divided by the customer without adequate information about the complete scope of work and/or final destination of the plant.

21. Packaging and/or packaging components are inconsistent with the shipping mode or stated destination.

22. Modification of a plant or equipment item in an existing or planned facility that changes production capability significantly and could make the facility more suitable for the manufacture of chemical weapons or chemical weapon precursors.

Chemical Weapon Precursors

- (1) (C.A.S. #756-79-6) Dimethyl methylphosphonate
- (2) (C.A.S. #868-85-9) Dimethyl phosphite (dimethyl hydrogen phosphite)
- (3) (C.A.S. #676-97-1) Methylphosphonyl dichloride
- (4) (C.A.S. #676-99-3) Methylphosphonyl difluoride
- (5) (C.A.S. #10025-87-3) Phosphorus oxychloride
- (6) (C.A.S. #7719-12-2) Phosphorus trichloride
- (7) (C.A.S. #111-48-8) Thiodiglycol
- (8) (C.A.S. #7719-09-7) Thionyl chloride
- (9) (C.A.S. #121-45-9) Trimethyl phosphite
- (10) (C.A.S. #1341-49-7) Ammonium hydrogen fluoride
- (11) (C.A.S. #7784-34-1) Arsenic trichloride
- (12) (C.A.S. #76-93-7) Benzilic acid
- (13) (C.A.S. #107-07-3) 2-Chloroethanol
- (14) (C.A.S. #78-38-6) Diethyl ethylphosphonate
- (15) (C.A.S. #15715-41-0) Diethyl methylphosphonite
- (16) (C.A.S. #2404-03-7) Diethyl-N,N-dimethylphosphoroamidate
- (17) (C.A.S. #762-04-9) Diethyl phosphite
- (18) (C.A.S. #100-37-8) N,N-Diethylethanolamine
- (19) (C.A.S. #5842-07-9) N,N-Diisopropyl-beta-aminoethane thiol
- (20) (C.A.S. #96-80-0) N,N-Diisopropyl-beta-aminoethanol
- (21) (C.A.S. #96-79-7) N,N-Diisopropyl-beta-aminoethyl chloride
- (22) (C.A.S. #108-18-9) Diisopropylamine
- (23) (C.A.S. #6183-75-3) Dimethyl ethylphosphonate
- (24) (C.A.S. #124-40-3) Dimethylamine
- (25) (C.A.S. #506-59-2) Dimethylamine hydrochloride
- (26) (C.A.S. #57856-11-8) O-Ethyl-2-diisopropylaminoethyl methylphosphonite (QL)
- (27) (C.A.S. #1498-40-4) Ethylphosphorous dichloride [Ethylphosphinyl dichloride]
- (28) (C.A.S. #430-78-4) Ethylphosphorous difluoride [Ethylphosphinyl difluoride]
- (29) (C.A.S. #1066-50-8) Ethylphosphonyl dichloride
- (30) (C.A.S. #753-98-0) Ethylphosphonyl difluoride
- (31) (C.A.S. #7664-39-3) Hydrogen fluoride
- (32) (C.A.S. #3554-74-3) 3-Hydroxy-1-methylpiperidine
- (33) (C.A.S. #76-89-1) Methyl benzilate
- (34) (C.A.S. #676-83-5) Methylphosphorous dichloride [methylphosphinyl dichloride]
- (35) (C.A.S. #753-59-3) Methylphosphorous difluoride [Methylphosphinyl difluoride]
- (36) (C.A.S. #10026-13-8) Phosphorus pentachloride
- (37) (C.A.S. #1314-80-3) Phosphorus pentasulfide
- (38) (C.A.S. #75-97-8) Pinacolone
- (39) (C.A.S. #464-07-3) Pinacolyl alcohol
- (40) (C.A.S. #151-50-8) Potassium cyanide
- (41) (C.A.S. #7789-23-3) Potassium fluoride
- (42) (C.A.S. #7789-29-9) Potassium hydrogen fluoride
- (43) (C.A.S. #1619-34-7) 3-Quinuclidinol
- (44) (C.A.S. #3731-38-2) 3-Quinuclidinone
- (45) (C.A.S. #1333-83-1) Sodium Bifluoride
- (46) (C.A.S. #143-33-9) Sodium cyanide
- (47) (C.A.S. #7681-49-4) Sodium fluoride
- (48) (C.A.S. #1313-82-2) Sodium sulfide
- (49) (C.A.S. #102-71-6) Triethanolamine
- (50) (C.A.S. #122-52-1) Triethyl phosphite

[FR Doc. 90-7631 Filed 4-2-90; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

Short Supply Determinations; High-Managanese Non-Magnetic Steel Plate

AGENCY: Import Administration/International Trade Administration, Commerce.

ACTION: Notice of short-supply review and request for comments on certain high-managanese non-magnetic steel plate.

SUMMARY: The Secretary of Commerce ("Secretary") hereby announces a review and request for comments on a short-supply request for 750 metric tons of various sizes of certain high-managanese non-magnetic steel plate under Article 8 of the Arrangement Between the European Coal and Steel

Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products, and paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products.

Short-Supply Review Number: 15.

SUPPLEMENTARY INFORMATION: Pursuant to section 4(b)(3)(B) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.104(b) of the Department of Commerce's Short-Supply Regulations, published in the *Federal Register* on January 12, 1990, 55 FR 1348 ("Commerce's Short-Supply Regulations"), the Secretary hereby announces that a short-supply determination is under review with respect to certain high-manganese non-magnetic steel plate. On March 29, 1990, the Secretary received an adequate petition from Clifton Steel Company requesting a short-supply allowance for 750 metric tons of this product under Article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products, and paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products.

The requested material meets the following specifications:

Thickness: $\frac{3}{16}$ inch to $2\frac{1}{2}$ inches.

Width: 60 inches to 96 inches.

Length: 240 inches to 324 inches.

Tolerances: as per ASTM-A6.

Chemistry: Mn, 11 to 14%; C, 1.15%; Si, <0.06%; P, <0.04%; S, <0.06%; Cr, <5%.

Hardness: BHN 200 in delivery condition (work hardens under impact to BHN 500-600).

Yield Strength: 50 KSI.

Tensile Strength: 125 KSI.

Elongation: 30%.

Section 4(b)(4)(B)(i) of the Act and § 357.106(b)(1) of Commerce's Short-Supply Regulations require the Secretary to make a determination with respect to a short-supply petition not later than the 15th day after the petition is filed if the Secretary finds that one of the following conditions exists: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90

percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary has granted short-supply for this product during each of the two immediately preceding years. Therefore, in accordance with section 4(b)(4)(B)(i)(II) of the Act and § 357.106(b)(1)(ii) of Commerce's Short-Supply Regulations, the Secretary is applying a rebuttable presumption that this product is presently in short supply. Unless domestic steel producers provide comments in response to this notice indicating that they can and will supply this product within the requested period of time, provide it represents a normal order-to-delivery period, the Secretary will issue a short-supply allowance not later than April 13, 1990.

Comments: Interested parties wishing to comment upon this review must send written comments not later than April 7, 1990, to the Secretary of Commerce, Attention: Import Administration, room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW, Washington, DC 20230. All documents submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record. All comments concerning this review must

reference the above-noted short-supply review number.

FOR FURTHER INFORMATION CONTACT:

Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, Pennsylvania Avenue and 14th Street, NW, Washington, DC 20230, (202) 377-0159.

Dated: March 30, 1990

Eric I. Garfinkel,
Assistant Secretary for Import Administration.

[FR Doc. 90-7759 Filed 4-2-90; 8:45 am]

BILLING CODE 3510-DS-M

National Technical Information Service

Government-owned Inventions; Availability for Licensing

March 21, 1990.

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487-4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,
Associate Director, Center for Utilization of Federal Technology—Patent Licensing,
National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 7-275,863..... Aggregation of Pheromones of Driedfruit Beetle

SN 7-280,397..... Bleaching Lignocellulosic Pulps With Light, Oxygen, Water and Semiconductor Powders

SN 7-297,786..... Multiple Bandmill for Making A Plurality of Sawlines in the Same Longitudinal Plane at One Time

SN 7-303,316..... Device for Regulating Luminous Flux of Battery Powered Headlamp

SN 7-325,804..... Self-Feeding Wood Chunker

SN 7-330,527..... Method and Apparatus for Testing Materials Using Strain and Moisture Sorption

SN 7-330,547..... Delignification of Lignocellulosic Materials with Monoperoxyxulfate Acid

SN 7-333,155..... Novel Proteins and Cloned Genes for Diagnosis and Prophylaxis of Babesiosis

SN 7-335,169..... Novel Compositions and Process for Inhibiting Digestion in Blood Sucking Animals
 SN 7-341,088..... Plant Patent
 SN 7-387,555..... Aggregation of Pheromones of the Nitidulid Beetles
 SN 7-393,010..... Biological Control of Fruit Rot
 SN 7-421,028..... Agricultural Commodity Condition Measurement
 SN 7-428-529..... Continuum Source Atomic Absorption Spectrometry
 SN 7-431-348..... Hybridomas and Monoclonal Antibodies Therefrom Reactive Toward Antigen
 SN 7-436-154..... Control of Parasitic Nematode of Ova/Larvae with Bacillus Lateralosporus
 SN 7-442,885..... Use of Native Aspergillus Flavus Strains to Prevent Aflatoxin Contamination
 SN 7-446,826..... Sequential Oxidative and Reductive Bleaching of Pigmented and Unpigmented Fibers

Department of Health and Human Services

SN 6-849,815..... To Produce Foreign Protein in Milk of Transgenic Animals
 SN 7-126,007..... Production of Human T-Cell Leukemia (Lymphotropic Retrovirus (HTLV-I) Envelope Protein Fragments in Bacterial and Use in Seroepidemiological Studies
 SN 7-168,088..... HIV Subunit Vaccine
 SN 7-234-101..... In-vivo Method for Determining and Imaging Temperature of an Object/Subject From Diffusion Coefficients Obtained by Nuclear Magnetic Resonance
 SN 7-261,014..... Kaposi's Sarcoma Endothelial Cells and Growth Factor
 SN 7-305,458..... Isolation and Characterization of a Plasma Protein Which Binds to Activated C4 of the Classical Complement Pathway
 SN 7-312,001..... Novel Lymphokine/Cytokine Genes
 SN 7-332,616..... New Techniques for Producing Cite Directed Mutagenesis of Cloned DNA
 SN 7-340,351..... Sulfur/Containing Xanthine Derivatives as Adenosin Antagonists
 SN 7-353,107..... Dynamically Stable Associative Learning Neuron Circuit and Neural Network
 SN 7-366,130..... High Efficiency Packaging of Mutant Adeno-Associated Virus Using Amber Suppression
 SN 7-373,862..... Cloning and Expression of Biologically Fragment C of Tetanus Toxin
 SN 7-410,628..... Real-time Monitoring of Oxidative Products from In Vitro Cell-Biomaterial Interaction Using Chemiluminescence
 SN 7-416,672..... Monoclonal Antibodies to Segments of HIV-1 Reverse Transcriptase
 SN 7-417,691..... Diagnostic Kit and Diagnostic Method Utilizing Carbohydrate Receptors
 SN 7-423,279..... Antihypertensive Compositions and Use Thereof
 SN 7-425,254..... Array-Type Multiple Cell Injector
 SN 7-427,735..... Specific and Sensitive Diagnostic Test for Lyme Disease
 SN 7-429,033..... Prevention of the Acute Cytotoxicity Associated With Silica Containing Minerals
 SN 7-429,936..... Rickettsii Rickettsil Surface Protein Gene
 SN 7-432,044..... cDNA and Protein Sequences of Human Bone Matrix Proteins
 SN 7-432,993..... A Method of Synthesizing Double-Stranded DNA Molecules
 SN 7-437,819..... The SCL Gene, and a Hematopoietic Growth and Differentiation Factors Encoded Thereby
 SN 7-438,643..... Inhibition of Malignant Cells Having GM1 Ganglioside Sites by Administration of Cholera Toxin
 SN 7-439,661..... Apparatus for Hyperthermia Treatment of Cancer
 SN 7-441,912..... DNA Binding Protein
 SN 7-450,761..... Thimble Glass Frit Nebulizer and Method

[FR Doc. 90-7518 Filed 4-2-90; 8:45 am]

BILLING CODE 3510-04-M

Prospective Grant of Exclusive Patent License

This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), Department of Commerce, is contemplating the grant of an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application Serial Number 7-292,985, "Purification of Human Chorionic Gonadotropin β -Core Molecule and Preparation of Antibodies with Specificity for Same," to Triton BioSciences, Inc. having a place of business at Alameda, California. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The present invention relates to the purification of the human chorionic gonadotropin β -core molecule which can then be used as the antigen in the preparation of antibodies to the β -Core Molecule, the combination of the purified β -Core Molecule and the antibodies can be used in an immunoassay kit to measure β -Core Molecules in the presence of structurally similar

Molecules, i.e., HCG, LH, HCG β -subunit and LH β -subunit. Measurement of the β -Core Molecule is particularly useful in testing for pregnancy and many malignancies.

The availability of the invention for licensing was published in the *Federal Register* Vol. 54, #39, p. 8584 (March 1, 1989) and Vol. 54, #93, p. 21091 (May 16, 1989).

A copy of the instant patent application may be purchased from the NTIS Sales Desk by telephoning 703/487-4650 or by writing to Order Department, NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Girish C. Barua, Office of Federal Patent

Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion.

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 90-7574 Filed 4-2-90; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of the Federative Republic of Brazil

March 28, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended [7 U.S.C. 1854].

On February 23, 1990, under the terms of the current bilateral textile agreement between the Governments of the United States and the Federative Republic of Brazil, the Government of the United States requested consultations with the Government of the Federative Republic of Brazil, with respect to cotton and man-made fiber nightwear and pajamas in Categories 351/651.

According to the terms of the bilateral agreement, the United States reserves the right to establish a limit at 36,952 dozen for the ninety-day consultation period which began on February 23, 1990 and extends through May 23, 1990.

A summary market statement concerning these categories follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 351/651, or to comment on domestic production or availability of products included in these categories, is invited to submit 10 copies of such comments or information to Augie D. Tantillo, Chairman, Committee for the Implementation of

Textile Agreements, U.S. Department of Commerce, Washington, DC 20230.
ATTN: Public Comments.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 351/651. Should such a solution be reached in consultations with the Government of the Federative Republic of Brazil, further notice will be published in the *Federal Register*.

A description of the textile and apparel categories in terms of HTS numbers is available in the

CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States [see *Federal Register* notice 54 FR 50797, published on December 11, 1989].

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Brazil—Market Statement for Cotton and Man-Made Fiber Pajamas and Other Nightwear—Category 351/651

February 1990.

Import Situation and Conclusion

U.S. imports of men's and boys' and women's and girls' cotton and man-made fiber pajamas and other nightwear (Category 351/651) from Brazil reached 105,576 dozen during the year ending November 1989, more than 13 times the 7,898 dozen imported a year earlier. During the first eleven months of 1989, imports of men's and boys' and women's and girls' cotton and man-made fiber pajamas and other nightwear (Category 351/651) from Brazil reached 96,944 dozen, over twelve times the amount imported in the first eleven months of

1988 and six times the total amount imported in calendar year 1988. Imports from Brazil were 8,825 dozen in 1987 and 16,530 dozen in 1988.

The sharp and substantial increase in Category 351/651 imports from Brazil is causing a real risk of disruption in the U.S. market for men's and boys' and women's and girls' cotton and man-made fiber pajamas and other nightwear.

U.S. Production and Market Share

U.S. production of men's and boys' and women's and girls' cotton and man-made fiber pajamas and other nightwear (Category 351/651) declined from 19,244,000 dozen in 1987 to 18,453,000 dozen in 1988, a decline of four percent. During the first six months of 1989, production of Category 351/651 dropped to 7,863,000 dozen, 17 percent below the 9,521,000 dozen produced in the same period of 1988. The domestic manufacturers' share of the men's and boys' and women's and girls' cotton and man-made fiber pajamas and other nightwear market dropped from 78 percent in 1987 to 76 percent in 1988. The domestic manufacturers' share dropped to 74 percent during the first six months of 1989.

U.S. Imports and Import Penetration

U.S. imports of men's and boys' and women's and girls' cotton and man-made fiber pajamas and other nightwear (Category 351/651) increased eight percent in 1988, increasing from 5,360,000 dozen in 1987 to 5,770,000 dozen in 1988. Imports accelerated in 1989, increasing 26 percent in the first eleven months of 1989 over the same period in 1988. The ratio of imports to domestic production increased three percentage points in 1988, increasing from 28 percent in 1987 to 31 percent in 1988. The ratio increased another five percentage points in the first half of 1989, reaching 36 percent.

Duty-Paid Value and U.S. Producers' Price

Approximately 96 percent of Category 351/651 imports from Brazil during the first eleven months of 1989 entered under HTSUSA number 6108.31.0010—women's cotton knit nightdresses and pajamas. These garments entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable garments.

[FR Doc. 90-7630 Filed 4-2-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of a Request for Bilateral Consultations with the Government of Thailand on Man-Made Fiber Bags

March 28, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On February 27, 1990, under the terms of Article 3 of the MFA, the Government of the United States requested consultations with the Government of Thailand regarding man-made fiber bags in Category 669-P, produced or manufactured in Thailand.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with Thailand, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of man-made fiber bags in Category 669-P, produced or manufactured in Thailand and imported, regardless of the date of export, during the twelve-month period which began on February 27, 1990 and extends through February 26, 1991, of not less than 1,255,407 kilograms.

A summary market statement concerning Category 669-P follows this notice.

Anyone who wishes to comment or provide data or information regarding the treatment of Category 669-P, or to comment on domestic production or availability of products included in this category, is invited to submit 10 copies of such comments or information to Augie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230, ATTN: Public Comments.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 669-P. Should such a solution be reached in consultations with the Government of Thailand, further notice will be published in the *Federal Register*.

A description of the textile and apparel categories in terms of HTS numbers is available in the

CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see *Federal Register* notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 49333, published on November 30, 1989.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Thailand—Market Statement for Man-Made Fiber Bags—Category 669-P

February 1990.

Import Situation and Conclusion

U.S. imports of man-made fiber bags—Category 669-P from Thailand reached 1,443,265 kilograms in 1989, 40 percent above the 1,028,333 kilograms imported a year earlier and 39 percent above Thailand's calendar year 1987 level of 1,035,295. Thailand was the second largest supplier of man-made fiber bags to the U.S. in 1989, accounting for 18 percent of total imports.

The sharp and substantial increase of Category 669-P imports from Thailand is disrupting the U.S. market for man-made fiber bags.

Import Penetration and Market Share

U.S. production of man-made fiber bags—Category 669-P—dropped to 23,742,000 kilograms in 1988, 5 percent below the 1987 level and 4 percent below the 1986 level. U.S. production continued to decline in 1989, dropping to an estimated 21,843,000 kilograms, 8 percent below the 1988 level. In contrast, U.S. imports of Category 669-P increased 53 percent between 1986 and 1989.

The U.S. producers' share of the man-made fiber bag market dropped 9

percentage points, falling from 82 percent in 1986 to an estimated 73 percent in 1989. During the same period the ratio of imports to domestic production increased from 21 percent in 1986 to an estimated 37 percent in 1989.

Duty-Paid Value and U.S. Producers' Price

Approximately 96 percent of Category 669-P imports from Thailand entered under HTS number 6305.31.0020—polyethylene or polypropylene bags weighing less than one kilogram. These bags entered the U.S. at a duty-paid landed value below the U.S. producers' price for comparable bags.

[FR Doc. 90-7629 Filed 4-2-90; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Information Collection Associated With Procurement of Goods and Services

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through April 30, 1993, of collections of information contained in forms, contracts, and other documents required or, or related to, the procurement of goods and personal services for the agency.

The information obtained from these collections of information is used by the Commission for evaluation of proposals, prices, and contractor capabilities to perform work required by specific solicitations.

Additional Details About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Information Collection Associated with Procurement of Goods and Services.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon the frequency of agency procurements of goods or personal services.

General description of respondents: Persons responding to solicitations to provide goods and personal services to the Commission.

Estimated number of respondents: 3,000.

Estimated average number of hours per respondent: 3 per year.

Estimated number of hours for all respondents: 9,000 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Donald Arbuckle, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395-7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 28, 1990.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 90-7608 Filed 4-2-90; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Advanced Naval Warfare Concepts

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Advanced Naval Warfare Concepts will meet in closed session on April 24, 1990 at the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine advanced naval warfare concepts and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that

accordingly this meeting will be closed to the public.

Dated: March 28, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-7551 Filed 4-2-90; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Anti-Submarine Warfare (ASW)

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Anti-Submarine Warfare (ASW) will meet in closed session on May 9, 1990 at the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will consider Anti-Submarine Warfare (ASW) as a program of national importance and advise on the adequacy and balance of defense resources devoted to its development and support.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: March 28, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-7552 Filed 4-2-90; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow on Forces Attack (FOFA)

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Follow on Forces Attack (FOFA) will meet in closed session on April 26-27, 1990 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue to review, in detail,

classified material associated with conventional military capabilities in NATO to include special targeting requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: March 28, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-7553 Filed 4-2-90; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for the Upper Steele Bayou Project, MS

AGENCY: U.S. Army Corps of Engineers, Vicksburg District.

ACTION: Notice of intent.

SUMMARY: The proposed action is to provide additional flood control through channel enlargement to protect agricultural and urban areas.

FOR FURTHER INFORMATION CONTACT: Steve Reed (telephone (601) 631-5439), CELMK-PD-Q, P.O. Box 60, Vicksburg, Mississippi 39181-0060.

SUPPLEMENTARY INFORMATION:

1. A revised final EIS was filed with the Council on Environmental Quality on 15 September 1977.

2. Proposed Action: The proposed action would provide flood protection to urban and rural properties, infrastructures, and agricultural areas.

3. Alternatives: Alternatives to be evaluated include no-action, nonstructural, and various-sized channel alternatives on Main Canal and Black Bayou both together and separately. Environmental design will be incorporated into each structural alternative.

4. a. A coping meeting will be held in Greenville, Mississippi, during 1990. Public notices to be published later will inform the general public on location, date, and time.

b. Significant issues include bottomland hardwoods/ wetlands, waterfowl, fish, water quality, endangered species, cultural resources, socio-economic conditions, etc. Additional environmental review and consultation

requirements could be identified during the scoping process.

c. The following will be invited to participate as cooperating agencies: The Environmental Protection Agency, U.S. Fish and Wildlife Service, Soil Conservation Service, Mississippi Department of Environmental Quality, and the Mississippi Department of Wildlife, Fisheries, and Parks.

5. A DSEIS will be available for review by the public in December 1991.

Kenneth L. Denton,

Alternate Army Liaison Officer, With the Federal Register.

[FR Doc. 90-7519 Filed 4-2-90; 8:45 am]

BILLING CODE 3710-PU-M

c. The following will be invited to participate as cooperating agencies: The Environmental Protection Agency, U.S. Fish and Wildlife Service, Soil Conservation Service, Mississippi Department of Environmental Quality, and the Mississippi Department of Wildlife, Fisheries, and Parks.

5. A DSEIS will be available for review by the public in December 1992.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 90-7520 Filed 4-2-90; 8:45 am]

BILLING CODE 3710-PU-M

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from George Sotos at the address specified above.

Dated: March 28, 1990.

James R. Shelby,

Acting Director, for Office of Information Resources Management.

[FR Doc. 90-7540 Filed 4-2-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before May 3, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW, room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to George P. Sotos, Department of Education, 400 Maryland Avenue, SW, room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: George P. Sotos (202) 732-2174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U. S. C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

Office of Planning, Budget, and Evaluation

Type of Review: New.

Title: Survey of Adult Education Service Providers.

Frequency: One time.

Affected Public: Non-profit institutions; Small businesses or organizations.

Reporting Burden:

Responses: 3000, Burden Hours: 1000.

Recordkeeping Burden:

Recordkeepers: 0, Burden Hours: 0.

Abstract: The purpose of this survey is to obtain information from providers of adult education services who received Adult Education Program funds in Fiscal Year 1989. The Department will use this information for program management and evaluation.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: Case Service Report.

Frequency: Annually.

Affected Public: State or local governments.

Reporting Burden:

Responses: 83, Burden Hours: 3823.

Recordkeeping Burden:

Recordkeepers: 0, Burden Hours: 0.

Abstract: State Vocational

Rehabilitative agencies report client and program data. The Department uses the information to assess the accomplishment of program goals and objectives, and to prepare the Annual Report to Congress.

[FR Doc. 90-7549 Filed 4-2-90; 8:45 am]

BILLING CODE 4000-01-M

Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) to the Final EIS, Flood Control, Mississippi River and Tributaries, Yazoo River Basin, MS

AGENCY: U.S. Army Corps of Engineers, Vicksburg District.

ACTION: Notice of intent.

SUMMARY: The proposed action is to provide additional flood control through channel enlargement and levee construction to protect agricultural and urban areas.

FOR FURTHER INFORMATION CONTACT: Steve Reed (telephone (601) 631-5439), CELMK-PD-Q, Box 80, Vicksburg, Mississippi 39181-0060.

SUPPLEMENTARY INFORMATION:

1. A final EIS was filed with the Council on Environmental Quality on December 29, 1975.

2. Proposed action: The proposed action would provide flood protection to urban and rural properties, infrastructures, and agricultural areas.

3. Alternatives: Alternatives to be evaluated include no-action, nonstructural, various combinations of channels and levees, several channel sizes, and urban protective works for individual areas. Environmental design will be incorporated into each structural alternative.

4. a. Scoping meetings will be held in Yazoo City, Greenwood, and Marks, Mississippi, during 1990. Public notices to be published later will inform the general public on location, date, and time.

b. Significant issues include bottomland hardwoods/wetlands, waterfowl, fisheries, water quality, endangered species, cultural resources, socio-economic conditions, etc. Additional environmental review and consultation requirements could be identified during the scoping process.

DEPARTMENT OF ENERGY**Oak Ridge Operations; Determination of Noncompetitive Financial Assistance****AGENCY:** Department of Energy (DOE)**ACTION:** Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2), it intends to issue on a noncompetitive basis a new grant to the University of Florida to conduct a training course for the period May 13–June 23, 1990 under the sponsorship of the International Atomic Energy Agency (IAEA). The course is the 1990 U.S.-Hosted Inter-Regional Training Course for IAEA, entitled "Use of Isotopes and Radiation in Insect Control and Entomology." The period of performance will be from the date of award through September 30, 1990. The estimated amount is \$61,000.

PROCUREMENT REQUEST NO.: 05-90IE10811.000.

PROJECT SCOPE: This new grant is to conduct a course that has been held at the University of Florida every other year since 1963. The primary purpose is to provide technical training for research entomologists world wide as part of an international effort to increase food supplies through controlling pests that cause significant losses. The course promotes peaceful uses of atomic energy as well as public interest in disseminating knowledge about techniques to control insect pests harmful to the United States. The University of Florida has the unique availability and access to major Federal, State, and University entomology laboratories that are all located within the Gainesville, FL commuting area. Their location enables the course to enhance lectures by including site visits and hands-on laboratory work. Eligibility for this award is, therefore, restricted to the University of Florida.

FOR FURTHER INFORMATION CONTACT: Barbara Thomas, Division of Nuclear Non-Proliferation Policy, Office of International Affairs, USDOE, Washington, DC 20585, (301) 586-6188.

Issued in Oak Ridge, Tennessee, on March 26, 1990.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Operations.

[FR Doc. 90-7597 Filed 04-02-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER90-262-000, et al.]

Kansas Power & Light Co., et al. Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Kansas Power & Light Co.

[Docket No. ER90-262-000]

March 26, 1990.

Take notice that on March 19, 1990, the Kansas Power and Light Company (KPL) tendered for filing revised schedules WRC-5/90 and T/WRC-5/90. The proposed changes affect three (3) wholesale rural electric cooperative customers as follows:

Wholesale cooperative customer	FERC rate schedule No.
Kaw Valley Electric Cooperative, Inc.	218
Nemaha-Marshall Electric Cooperative Association, Inc.	219
The Doniphan Electric Cooperative Association, Inc.	220

These schedules have been revised to provide for a change in the method of determining monthly billing capacity. Under the proposed schedules, monthly billing capacity will be used on the maximum sixty minute group coincident usage of each cooperative's points of delivery during the month.

This change in billing capacity determination method provides the customer additional operating flexibility and the opportunity to obtain the benefit of the diversity that exists between delivery points as well as the incentive to manage its loads in a manner that will improve system load factor.

A copy of the filing was served on each of the affected customers and the State Corporation Commission of the State of Kansas.

Comment date: April 11, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. South Carolina Electric & Gas Co.

[Docket No. ER90-159-000]

March 26, 1990.

Take notice that South Carolina Electric & Gas Company (SCE&G) tendered for filing on January 5, 1990.

Seventeenth Revised Sheet No. 5, and Seventeenth Revised Sheet No. 6, to its FERC Electric Tariff, Original Volume No. 1. These sheets contain proposed reductions to SCE&G's rates and charges to its municipal, rural electric cooperative and public power body sales-for-resale customers.

By letter dated February 20, 1990, the Commission's Director of the Division of Electric Power Applications Review found the filing deficient with respect to part 35 of the Commission's Regulations. Specifically, the filing was deficient in that there was included no demonstration that the proposed rates conformed to section 10 of the Settlement Agreement in Docket Number ER83-487-000.

On March 22, 1990, SCE&G submitted Schedule 1 detailing all rate changes under the Settlement Agreement, Schedule 2 documenting chronological rate changes implemented under the Settlement Agreement approved in Docket Number ER83-487-000 and Schedule 3 showing the derivation of the proposed rate in compliance with Section 10 of the Settlement Agreement.

Copies of the filing have been served upon SCE&G's jurisdictional customers and the South Carolina Public Service Commission.

Comment date: April 11, 1990, in accordance with Standard Paragraph E end of this notice.

3. Pacific Gas and Electric Co.

[Docket No. ER90-268-000]

March 26, 1990.

Take notice that on March 21, 1990, Pacific Gas and Electric Company (PG&E) tendered for filing, as a change in rate schedule, an Interconnection Agreement (Agreement) covering rates, terms and conditions for services rendered by PG&E to the Sacramento Municipal Utility District (SMUD) under the Agreement and for the interconnection of the Parties' electrical systems.

Upon its effective date the Agreement will terminate and supersede Rate Schedule No. 124 (the Interconnection Rate Schedule, which was made effective by the Commission as of January 1, 1990, subject to refund) and all FERC-jurisdictional amendments, agreements, supplements and rate schedules filed thereunder.

Pursuant to the Agreement, PG&E will provide the following services to SMUD:

Obligation Service	(Service Schedule A).....	Section B.2
Obligation Power Service		Section B.2.1
Reserved Transmission Service.....	(Service Schedule B).....	Section B.2.2

Control Area Services		
Scheduling Service	(Service Schedule C)	Section B.3
		Section B.3.1
Regulation Service	(Service Schedule D)	Section B.3.2
Other Charges		
Customer Service	(Service Schedule E)	Section B.4
		Section B.4.1
Voltage Regulation	(Service Schedule F)	Section B.4.2
Reactive Power Correction	(Service Schedule G)	Section B.4.3
Standby Station Service	(Service Schedule H)	Section B.4.4
Non-Spinning Reserve Charge	(Service Schedule I)	Section B.4.5
		Section B.5
Coordination Services		
Ceiling Price for Capacity Component of Coordination Power Service	(Ceiling A-1)	Section B.5.1
Ceiling Price for Energy Component of Coordination Power Service	(Ceiling A-2)	Section B.5.2
Ceiling Price for Combined Capacity and Energy Sales	(Ceiling A-3)	Section B.5.3
Ceiling Price for Coordination Transmission Service	(Ceiling B)	Section A.5.4
Emergency Power		Section A.1
Edison-Midway Curtail Service		Section A.2
Ten-Minute Emergency Power Service		Section A.3
Support Power Service		Section A.4
Zero-Crossing Service		Section A.5
Emergency Zero-Crossing Service		Section A.6

PG&E is requesting a waiver of the notice requirement in § 35.3 of the Commission's regulations (18 CFR 35.3) and various waivers of filing requirements.

Copies of this filing were served upon SMUD and the California Public Utilities Commission.

Comment date: April 11, 1990, in accordance with the Standard Paragraph E at the end of this notice.

4. Indiana Michigan Power Co.

[Docket No. ER90-273-000]

March 26, 1990.

Take notice that Indiana Michigan Power Company (I&M) on March 21, 1990, tendered for filing proposed amendments to its FERC Electric Schedule No. CO-OP 1 for service to Wayne County Rural Electric Cooperative (Wayne County REC). The proposed changes would increase I&M's annual revenues from Wayne County REC by approximately \$49,101 based upon the 12-month period ending December 31, 1990. I&M proposes an effective date of May 21, 1990, the first day after the 60-day notice period.

I&M states that since the Commission's acceptance of the rates currently in effect, certain changes have occurred which affect I&M's revenue requirements. These changes include: (1) The commercial operation of Rockport Plant Unit No. 2 which was sold and leased back in December 1989; (2) changes in wholesale and retail sales levels; and (3) various other jurisdictional cost-of-service changes, including the cost of capital.

I&M states that a copy of its filing was

served upon Wayne County REC, the Michigan Public Service Commission and the Indiana Utility Regulatory Commission.

Comment date: April 11, 1990, in accordance with the Standard Paragraph E at the end of this notice.

5. Centel Corp.

[Docket No. ER90-274-000]

March 26, 1990.

Take notice Centel Corporation (Centel) on March 21, 1990 tendered for filing the following Contracts: Municipal Contract between Centel and each of the following individual municipals: Anthony, Attica, Greensburg, Hoisington, Kingman, Pratt, Russell and Washington. These Contracts and the applicable Service Schedules are intended to supersede Centel's existing service agreements with these municipal wholesale customers. Additionally, Greensburg will become a new customer of Centel. While the Contracts and Service Schedules provide for new and supplemental services, all rates included in the applicable Service Schedules are the same as Centel's currently effective wholesale rates that were approved by the Commission in Docket No. ER88-281-000 by letter dated December 1, 1988. Waiver of the notice has been respectfully requested and an effective date of this filing has been requested for October 1, 1989.

Copies of the filing were served upon the Municipal's agent, Kansas Municipal Energy Agency (KMEA) and the Utilities Division, Kansas Corporation, Topeka, Kansas.

Comment date: April 11, 1990, in

accordance with Standard Paragraph E at the end of this notice.

6. Minnesota Power & Light Co.

[Docket No. ER90-276-000]

March 27, 1990.

Take notice that on March 21, 1990, Minnesota Power & Light Company (Minnesota Power) filed rate schedules for transmission delivery service, economy energy, replacement capacity and energy (including emergency), and loss service supplied by Minnesota Power to the Wisconsin Public Power Incorporated, SYSTEM (WPPI), all related to the sale by Minnesota Power to WPPI of a twenty percent (20%) undivided ownership share of the Clay Boswell Steam Electric Generation Station Unit No. 4 (Boswell 4).

Take further notice that Minnesota Power has also filed an Interim Power Sale Contract entered into by Minnesota Power and WPPI that provides for the possible sale by Minnesota Power to WPPI of unit participation power and associated energy from Boswell 4 in the event of a delay in the closing of the Boswell Agreement. The Interim Power Sale Contract includes the delivery of all firm power and energy purchased by WPPI to the NSP integrated transmission system, with transmission charges included in the rates charged for such unit power participation energy and power. It also provides for replacement energy and loss services identical to that provided in the Boswell Agreement.

Comment date: April 11, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. Indiana Michigan Power Co.

[Docket No. ER90-270-000]

March 27, 1990.

Take notice that Indiana Michigan Power Company (I&M) on March 21, 1990, tendered for filing proposed amendments to I&M's FERC Rate Schedule No. 70 with the City of Richmond, Indiana for its municipal light department known as Richmond Power and Light (Richmond) for service to Indiana Municipal Power Agency (IMPA) as agent for Richmond. The proposed changes would increase I&M's annual revenues from Richmond by approximately \$192,360 based upon the 12-month period ending December 31, 1990. I&M proposes an effective date of May 21, 1990, the first day after the 60-day notice period.

I&M states that since the Commission's acceptance of the rates currently in effect, certain changes have occurred which affect I&M's revenue requirements. These changes include: (1) The commercial operation of Rockport Plant Unit No. 2 which was sold and leased back in December 1989; (2) changes in wholesale and retail sales levels; and (3) various other jurisdictional cost-of-service changes, including the cost of capital.

I&M states that a copy of its filing was served upon Richmond, IMPA and the Indiana Utility Regulatory Commission.

Comment date: April 11, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. Indiana Michigan Power Co.

[Docket No. ER90-271-000]

March 27, 1990.

Take notice that Indiana Michigan Power Company (I&M) on March 21, 1990, tendered for filing proposed amendments to I&M's FERC Rate Schedule No. 74 for service to the Indiana Municipal Power Agency (IMPA). The proposed changes would increase I&M's annual revenues from IMPA by approximately \$3,139,014 based upon the 12-month period ending December 31, 1990. I&M proposes an effective date of May 21, 1990, the first day after the 60-day notice period.

I&M states that since the Commission's acceptance of the rates currently in effect, certain changes have occurred which affect I&M's revenue requirements. These changes include: (1) The commercial operation of Rockport Plant Unit No. 2 which was sold and leased back in December 1989; (2) changes in wholesale and retail sales levels; and (3) various other jurisdictional cost-of-service changes, including the cost of capital.

I&M states that a copy of its filing was served upon IMPA and the Indiana Utility Regulatory Commission.

Comment date: April 11, 1990, in accordance with Standard Paragraph E at the end of this notice.

9. Central Illinois Light Co.

[Docket No. ER90-275-000]

March 27, 1990.

Take notice that on March 21, 1990, Central Illinois Light Company (CILCO) tendered for filing proposed rate changes for full-requirements service to the Village of Riverton, Illinois.

The charges to Riverton reflect a negotiated agreement between CILCO and Riverton which provides for full-requirements service through the end of 1995.

The filing states that the total increase to Riverton does not exceed \$200,000 based upon actual billing data for twelve months ending November 30, 1989.

CILCO requests waiver of the notice requirements of § 35.1 of the Commission's Regulations so that the proposed rate schedule can be made effective January 1, 1990, in accordance with the agreement of both parties.

CILCO states that a copy of its filing was served on the Village of Riverton and the Illinois Commerce Commission.

Comment date: April 11, 1990, in accordance with Standard Paragraph E at the end of this notice.

10. Indiana Michigan Power Co.

[Docket No. ER90-289-000]

March 27, 1990.

Take notice that Indiana Michigan Power Company (I&M) on March 21, 1990, tendered for filing proposed amendments to its FERC Rate Schedule No. 25 for service to the Michigan Power Company, Original Volume No. 1. The proposed changes would increase I&M's annual revenues from Michigan Power Company by approximately \$3,934,232 based upon the 12-month period ending December 31, 1990. I&M proposes an effective date of May 21, 1990, the first day after the 60-day notice period.

I&M states that since the Commission's acceptance of the rates currently in effect, certain changes have occurred which affect I&M's revenue requirements. These changes include: (1) The commercial operation of Rockport Plant Unit No. 2 which was sold and leased back in December 1989; (2) changes in wholesale and retail sales levels; and (3) various other jurisdictional cost-of-service changes, including the cost of capital.

I&M states that a copy of its filing was served upon Michigan Power Company

and the Michigan Public Service Commission.

Comment date: April 11, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-7537 Filed 4-2-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-89-003 et al.]

EnTrade Corporation et al.; Natural Gas Certificate Filings

March 26, 1990.

Take notice that the following filings have been made with the Commission:

1. EnTrade Corporation

[Docket No. CI87-89-003]

Take notice that on March 21, 1990, EnTrade Corporation (EnTrade) of 2400 First National Tower, 101 South Fifth Street, Louisville, Kentucky 40202, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its blanket certificate with pregranted abandonment previously issued by the Commission in Docket No. CI87-89-002 to provide authorization to make sales for resale of any natural gas purchased by EnTrade including imported gas, liquified natural gas and gas sold under any existing or subsequently approved pipeline blanket certificate authorizing interruptible sales of surplus system supply, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: April 12, 1990 in accordance with Standard Paragraph J at the end of the notice.

2. Green Canyon Pipe Line Company, Transcontinental Gas Pipe Line Corporation, Northern Natural Gas Company (Division of Enron Corporation)

[Docket Nos. CP90-1006-000, CP90-1007-000, CP90-1008-000, and CP90-1009-000]

Take notice that Applicants filed in the above referenced dockets prior notice requests pursuant to §§ 157.205

¹ These prior notice requests are not consolidated.

and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the

docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also state that it would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: May 10, 1990, in accordance with Standard Paragraph G at the end of the notice.

Applicant: Green Canyon Pipeline Company, P.O. Box 1396, Houston, Texas 77251, filed: March 19, 1990.
Blanket Certificate Issued in Docket No.: CP89-515-000.

INFORMATION PROVIDED IN PRIOR NOTICE REQUESTS

Docket No.	Transportation rate schedule (type of service)	Shipper	Volumes (MMBtu) peak day average day annual	Docket number associated with 120-day transaction	Points of receipt	Points of delivery	Initiation date of 120-day transaction
CP90-1006-000	IT-GC (interruptible).....	Transco Energy Marketing Company.	90,000 30,000 10,950,000 100,000 60,000 21,900,000	ST90-1909-000	Offshore Louisiana.	Offshore Louisiana.	2/07/90
CP90-1007-000	IT-GC (interruptible).....	Texaco Gas Marketing, Inc		ST90-1910-000	Offshore Louisiana.	Offshore Louisiana.	2/05/90

Applicant: Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, filed: March 19, 1990.
Blanket Certificate Issued in Docket No.: CP88-328-000.

INFORMATION PROVIDED IN PRIOR NOTICE REQUESTS

Docket No.	Transportation rate schedule (type of service)	Shipper	Volumes (MMBtu) peak day average day annual	Docket number associated with 120-day transaction	Points of receipt	Points of delivery	Initiation date of 120-day transaction
CP90-1008-000	IT (interruptible)	Chevron U.S.A., Inc	600,000 150,000 54,750,000	ST90-2066-000	Offshore Texas..	Texas	2/01/90

Applicant: Northern Natural Gas Company, Division of Enron Corp., P.O. Box 1188, Houston, Texas 77251-1188, filed: March 20, 1990.

Blanket Certificate Issued in Docket No.: CP86-435-000.

INFORMATION PROVIDED IN PRIOR NOTICE REQUESTS

Docket No.	Transportation rate schedule (type of service)	Shipper	Volumes (MMBtu) peak day average day annual	Docket number associated with 120-day transaction	Points of receipt	Points of delivery	Initiation date of 120-day transaction
CP90-1009-000	FT-1 (firm).....	Arco Oil & Gas Company	17,600 13,200 6,424,000	ST90-2060-000	Offshore Texas..	Texas	2/01/90

3. Southern Natural Gas Company

[Docket No. CP90-1022-000]

Take notice that on March 21, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP90-1022-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas, on an interruptible basis, for Presidio Exploration, Inc. (Presidio), a producer, under Southern's blanket certificate issued in Docket No. CP88-316-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it would perform the proposed transportation service for Presidio pursuant to a service agreement dated December 27, 1989, under Southern's Rate Schedule IT. It is further stated that the service agreement is for a primary term of one month with successive terms of one month thereafter unless canceled by either party. Southern indicates that the service agreement provides for a maximum quantity of 111 MMBtu of natural gas on a peak day but Presidio anticipates requesting 30 MMBtu of natural gas on an average day, and accordingly, 11,000 MMBtu of natural gas on an annual basis.

Southern states that it would receive the natural gas at various receipt points in offshore Texas and offshore Louisiana and in the States of Texas, Louisiana, Mississippi and Alabama for delivery to a point in the State of Mississippi. Southern asserts that no new facilities would be required to implement the proposed service.

Southern indicates that it commenced the transportation of natural gas for Presidio on February 1, 1990, as reported in Docket No. ST90-1875-000, for a 120-day period pursuant to § 284.223(a) of the Commission's regulations (18 CFR 284.223(a)).

Comment date: May 10, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. El Paso Natural Gas Company

[Docket No. CP90-991-000]

Take notice that on March 15, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, filed on Docket No. CP90-991-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon sale for resale service to General Utilities, Inc. (General Utilities), and pursuant to Section 7(c) of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the sale of natural gas to Graham County Utilities, (Graham County) and to Duncan Rural Services Corporation (Duncan), separately, utilizing the existing facilities located in Graham and Greenlee Counties, Arizona, for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by order issued January 11, 1984, in Docket No. G-288, El Paso was authorized to continue the operation of certain existing facilities for the sale and delivery of natural gas to Duncan Utilities Company, predecessor to General Utilities, for resale and general distribution to certain communities in Graham and Greenlee Counties, Arizona. It is also stated that deliveries to General Utilities are currently being made pursuant to an October 24, 1984, Service Agreement between El Paso and General Utilities.

El Paso states that subsequent to the implementation of the October 24, 1984, Service Agreement, it learned that Graham County and Duncan were interested in acquiring certain assets and properties owned and operated by General Utilities, including all of the natural gas distribution systems serving Graham and Greenlee Counties, Arizona. El Paso states that thereafter, General Utilities and Graham County entered into a Purchase Agreement whereby General Utilities and Graham County agreed to the sale of all assets and properties owned and operated by General Utilities in Graham and Greenlee Counties, Arizona. It is stated that Graham County agreed, contemporaneously, to sell to Duncan the natural gas distribution system located in Greenlee County, Arizona.

El Paso states that as part of the transfer, General Utilities agreed to assign all of its rights and obligations under the October 24, 1984, Service Agreement between El Paso and General Utilities pertaining to such systems. It is stated that Graham County and Duncan agreed to accept and assume such rights and obligations, but only pertaining to the separate distribution systems in Graham and Greenlee Counties, Arizona, respectively. It is also stated that El Paso, General Utilities, Graham County and Duncan subsequently entered into an Assignment Agreement dated November 1, 1989, which provides that both Graham County and Duncan will each execute separate new Service Agreements with El Paso, the purchase and receipt by Graham County of natural gas for distribution and resale to consumers situated solely in Graham

County, Arizona, and the purchase and receipt by Duncan of natural gas for distribution and resale to consumers situated solely in Greenlee County, Arizona.

El Paso states that it specifically requests permission and approval to abandon the certificated sale and delivery of gas to General Utilities for resale and distribution and also requests authorization for the sale of gas to Graham County and Duncan, separately, utilizing the existing facilities situated in Graham and Greenlee Counties, Arizona, respectively, for resale and further distribution by Graham and Duncan.

El Paso states that the aggregate volumes of natural gas to be provided to Graham County and Duncan under the new Service Agreements at the presently existing points are identical to the volumes presently delivered to General Utilities. El Paso further states that the deliveries and sales to Graham County and Duncan will be rendered in accordance with Rate Schedule ABD-S-AZ contained in El Paso's FERC Gas Tariff, First Revised Volume No. 1. It is stated that upon effectiveness of the proposed authorizations, the volume of gas which General Utilities was entitled to receive from El Paso will then constitute Graham County's and Duncan's respective combined entitlements under El Paso's Permanent Allocation Plan in Docket No. RP72-6.

Comment date: April 16, 1990, in accordance with Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90-1030-000]

Take notice that on March 22, 1990, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP90-1030-000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide an interruptible transportation service for Enron Gas Marketing, Inc., (Enron Gas), a marketer, under the blanket certificate issued in Docket No. CP86-435-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that pursuant to a transportation agreement dated February 1, 1990, it proposes to receive up to 10,000 million-Btu of natural gas per day from specified points located in

Oklahoma, Texas, New Mexico, Kansas, Iowa, South Dakota, and Minnesota and redeliver the gas at specified points located in Texas and Minnesota. Northern estimates peak day, average day and annual volumes of 10,000 million Btu, 7,500 million Btu, and 3,650,000 million Btu, respectively. It is stated that on February 1, 1990, Northern initiated a 120-day transportation service for Enron Gas under § 284.223(a), as reported in Docket No. ST90-2116-000.

Northern further states that no facilities need be constructed to implement the service. Northern states that the primary term of the agreement expires two years from the date of first deliveries, but that the service would continue on a month-to-month basis thereafter unless terminated by either party upon thirty days prior written notice to the other. Northern proposes to charge rates and abide by the terms and conditions of its Rate Schedule IT-1.

Comment date: May 10, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90-1028-000]

Take notice that on March 22, 1990, Northern Natural Gas Company, Division of Enron Corp (Northern) 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP90-1028-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Arco Oil and Gas Company (Arco), under the authorization issued in Docket No. CP86-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern would perform the proposed transportation service for Arco, a producer of natural gas, pursuant to a firm transportation service agreement FT-1 dated February 1, 1990 (CR #75686). The term of the transportation agreement is from February 1, 1990, and shall continue in full force and effect for a primary term of one year and shall continue from month to month thereafter unless terminated at any time after the primary term by either party upon one hundred and eighty day prior written notice to the other party. Northern proposes to transport on a peak day up to 10,000 MMBtu; on an average day up to 7,500 MMBtu; and on an annual basis 3,650,000 MMBtu of natural gas for Arco. It is alleged that Arco would pay

Northern each month, the rate and charges in effect from time to time under Rate Schedule FT-1, or any effective superseding rate schedule on file with the FERC or any successor thereof. Northern avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self-implementing provision of § 284.223(a)(1) of the Commission's regulations. Northern commenced such self-implementing service on February 1, 1990, as reported in Docket No. ST90-2115-000.

Comment date: May 10, 1990, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,
Secretary.

[FR Doc. 90-7538 Filed 4-2-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. MT89-6-004]

Caprock Pipeline Co.; Compliance Filing Pursuant to Order No. 497-A

March 27, 1990.

Take notice that on March 16, 1990, Caprock Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 of the Commission's Regulations as part of its FERC Gas Tariff, Revised Original Volume No. 3:

Second Revised Sheet No. 19
Revised Sheet No. 19.a
Revised Sheet No. 19.b
Revised Sheet No. 19.c

Revised Sheet No. 19.d
 Second Revised Sheet No. 19.e
 Second Revised Sheet No. 19.f
 Second Revised Sheet No. 19.g
 Second Revised Sheet No. 19.h
 Second Revised Sheet No. 19.i
 Second Revised Sheet No. 19.j
 Second Revised Sheet No. 19.k
 Original Sheet No. 19.1

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR §§ 385.214 and 385.211. All such motions or protests must be filed by April 11, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-7539 Filed 4-2-90; 8:45 am]
 BILLING CODE 6717-01-M

[Docket No. TM90-3-33-001]

El Paso Natural Gas Co.; Compliance Filing

March 27, 1990.

Take notice that on March 21, 1990, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, El Paso Natural Gas Company ("El Paso") tendered certain tariff sheets to its FERC Gas Tariffs, First Revised Volume No. 1, Original Volume No. 1-A, Third Revised Volume No. 2 and Original Volume No. 2-A, which revise the Monthly Direct Charge and Throughput Surcharge to reflect recalculated estimated interest.

El Paso states that on March 1, 1990 at Docket No. TM90-3-33-000, it tendered for filing certain tariff sheets to be effective April 1, 1990 which revise the Monthly Direct Charge and Throughput Surcharge for interest calculated on the unrecouped balance of El Paso's buyout and buydown costs.

Subsequently, by order issued March 16, 1990 at Docket Nos. RP90-81-000 and RP90-81-001 the Commission accepted certain tariff sheets filed by El Paso on February 16, 1990 and suspended them to become effective March 1, 1990, subject to refund and certain conditions. El Paso states that such tariff sheets updated El Paso's Monthly Direct Charge and Throughput Surcharge to

reflect additional dollars (approximately \$572 million) to be amortized based upon additional buyout and buydown costs not included in any of El Paso's previous buyout and buydown recovery filings, amounts in litigation that have been settled as permitted to be recovered pursuant to El Paso's tariff, and adjustments to previous filings made by El Paso to recover certain buyout and buydown costs. Ordering paragraph (A)(5) of said order directed El Paso to refile, within thirty (30) days of the order, tariff sheets reflecting an amortization period between thirty-six (36) and sixty (60) months. El Paso states that it tendered certain tariff sheets to comply with said order.

As a result of El Paso's election to extend the amortization period for thirty-six (36) months for the additional costs (approximately \$572 million) filed in Docket No. RP90-81-000, El Paso is tendering herewith in this Docket No. TM90-3-33-000 certain substitute tariff sheets which revise the Monthly Direct Charge and Throughput Surcharge previously filed to also reflect a thirty-six (36) month amortization for the additional cost filed in Docket No. RP90-81-000 and to reflect using such amortization period to determine the estimated interest. As a result, the Throughput Surcharge has decreased from the rate currently proposed in the March 1, 1990 filing from \$3089 per dth to \$2684 per dth.

El Paso respectfully requested that the tendered tariff sheets be accepted and permitted to become effective on April 1, 1990, inasmuch as the instant filing provides for a rate decrease and is made in compliance with the directive of the Commission.

Copies of the filing were served upon all interstate pipeline system sales customers and shippers of El Paso and interested state Regulatory Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 351.211 of the Commission's Rules and Regulations. All such protests should be filed on or before April 3, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-7540 Filed 4-2-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-81-002]

El Paso Natural Gas Co.; Compliance Filing

March 27, 1990.

Take notice that on March 21, 1990, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations under the Natural Gas Act and in compliance with ordering paragraph (A)(5) of the Commission's order issued March 16, 1990 at Docket Nos. RP90-81-000 and 001, El Paso Natural Gas Company ("El Paso"), tendered for filing and acceptance certain tariff sheets to its First Revised Volume No. 1, Original Volume No. 1-A, Third Revised Volume No. 2 and Original Volume No. 2-A FERC Gas Tariffs, which reflect a revision to the Monthly Direct Charge and Throughput Surcharge.

El Paso states that on February 16, 1990 at Docket No. RP90-81-000 it tendered for filing certain tariff sheets to be effective March 1, 1990 which updated the Monthly Direct Charge and Throughput Surcharge to reflect additional dollars (approximately \$572 million) to be amortized based upon additional buyout and buydown costs not included in any of El Paso's previous buyout and buydown recovery filings, amounts in litigation that have been settled as permitted to be recovered pursuant to El Paso's tariff, and adjustments to previous filings made by El Paso to recover certain buyout and buydown costs. By order issued March 16, 1990 at Docket Nos. RP90-81-000 and RP90-81-001 the Commission accepted said tariff sheets for filing and suspended them to become effective March 1, 1990, subject to refund and certain conditions.

Ordering paragraph (A)(5) of said order directed El Paso to refile, within thirty (30) days of the order, tariff sheets reflecting an amortization period between thirty-six (36) and sixty (60) months. El Paso in this filing has responded only to such ordering paragraph and states that it will, within the specified time, respond to each of the other conditions contained in said order. El Paso states that it has recalculated a Monthly Direct Charge and Throughput Surcharge based on an amortized period of thirty-six (36)

months for the approximately \$572 million additional buyout and buydown costs. El Paso states that as a result of such change in the amortization period the Throughput Surcharge has decreased from the rate initially proposed in the February 16, 1990 filing from \$0.3157 per dth to \$0.2754 per dth.

El Paso respectfully requested that the Commission permit the tendered tariff sheets to become effective March 1, 1990, inasmuch as the instant filing provides for a rate decrease and is made in compliance with the directive of the Commission.

Copies of the filing were served upon all interstate pipeline system sales customers and shippers of El Paso and interested state Regulatory Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before April 3, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-7541 Filed 4-2-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-6-006]

Sea Robin Pipeline Co.; Compliance Filing

March 27, 1990.

Take notice that on February 14, 1990, Sea Robin Pipeline Company (Sea Robin) filed working papers showing and substantiating adjustments between the August 31, 1989 Account No. 191 balance and the December 31, 1988 balance direct billed to United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern). Sea Robin states that the amount direct billed to United and Southern (excluding interest resulting from each customer's election to pay in installments) totalled \$3,172,897 each.

Sea Robin states that this filing is made in compliance with the Commission's order issued September 29, 1989.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1989)]. All such motions or protests should be filed on or before April 3, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-7542 Filed 4-2-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-183-009]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 27, 1990.

Take notice that Williams Natural Gas Company (WNG) on March 21, 1990, tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Second Revised Third Revised Sheet Nos. 29 and 30

The proposed effective date of these tariff sheets is December 1, 1989.

WNG states that these tariff sheets are being filed in compliance with the Commission's order issued February 1, 1990 in Docket No. RP89-183-001.

WNG states that in accordance with submission procedures for electronic filings in Commission Order No. 493, *et al.*, WNG hereby submits a diskette along with the corresponding hard copies. Such hard copies include the same information as contained on the diskette.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before April 3, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-7543 Filed 4-2-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 89-48-NG]

Kamine/Besicorp Carthage L.P.; Order Granting Long-Term Authorization to Import Natural Gas from Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order granting Kamine/Besicorp Carthage L.P. (Kamine/Besicorp) long-term authorization to import natural gas from Canada. The order issued in FE Docket No. 89-48-NG authorizes Kamine/Besicorp to import from Canada, using existing facilities, up to 14,200 Mcf of natural gas per day, and a total of 104 Bcf of natural gas over a 20-year period commencing upon the commercial operation of Kamine/Besicorp's new 49.9 MW cogeneration plant to be constructed and operated in Carthage, New York, or May 1, 1991, whichever is earlier.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 28, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-7556 Filed 4-2-90; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-13-NG]

Kimball Energy Corp.; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on March 1, 1990, of an application filed by Kimball Energy Corporation (Kimball), requesting blanket authority to import up to a maximum of 75 Bcf of Canadian natural gas over a two-year period beginning April 1, 1990, the expiration of its current import authorization granted August 19, 1987, in DOE/ERA Opinion and Order No. 190 (Order 190).

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., May 3, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:
Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-32, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Kimball, a Texas corporation with its principal place of business in Arlington, Texas, is a marketer of natural gas in the United States. Kimball requests authority to continue to import competitively priced natural gas from reliable Canadian producers for sale to purchasers in the United States on a short-term or spot basis. Kimball proposes to import natural gas for either its own account or as agent for United States purchasers or Canadian suppliers. Kimball intends to use existing facilities for the transportation of the gas. Kimball also would continue to file reports with FE within 30 days after the end of each calendar quarter giving the details of the individual transactions. Kimball's prior quarterly reports filed with FE indicate that approximately 287 MMcf of natural gas was imported under Order 186 through September 30, 1989.

The decision on the application for import authority will be made consistent with the DOE's gas import policy

guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement will be competitive and thus in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should

explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Kimball's application is available for inspection and copying in the Office of Fuels Programs Docket room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., March 28, 1990.
Clifford P. Tomaszewski,
Director Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.
[FR Doc. 90-7598 Filed 4-2-90; 8:45 am]
BILLING CODE 6450-01-M

[FE Docket No. 90-10-NG]

TXG Gas Marketing Co.; Application for Blanket Authorization To Import and Export Natural Gas From and to Canada and Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas from and to Canada and Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 14, 1990, of a request by TXG Gas Marketing Company (TXG) for blanket authority to import natural gas from Canada and Mexico, export domestic and Mexican gas to Canada, and to export Canadian and domestic gas to Mexico, for an aggregate import and export volume of up to 73 Bcf, over a two-year term from the date of the first import or export delivery. If granted, this authorization would supersede TXG's

existing authority under DOE/ERA Opinion and Order No. 235 (Order 235), issued March 31, 1988, to import up to 73 Bcf of Canadian natural gas over a two-year term from the date of first delivery. To date, no Canadian gas has been imported under Order 235.

All transactions contemplated under the new TXG proposal would utilize existing facilities and would be subject to FE's reporting requirements. The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127.

Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., May 3, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, FE-50 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3H-087, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-1657

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: TXG, a Delaware corporation with its principal place of business in Owensboro, Kentucky, would import or export gas on a short-term or spot basis for its own account or as an agent for Canadian, Mexican or U.S. purchasers and suppliers. The specific terms of each import and export sale, including price and volumes, would be negotiated on an individual basis.

In support of its application, TXG submits that approval of its application will enable it to make alternative supplies of gas available to a wide range of markets both within and outside the United States, including pipelines, local distribution companies, and commercial and industrial end-users. This, TXG asserts, accords with the DOE's policy of encouraging competitive and market-responsive pricing. Exports of domestically-produced gas, for which TXG asserts there is no present national or regional U.S. need, would help U.S. producers market surplus gas supplies,

generate tax and related revenues and in turn reduce the current U.S. trade deficit. The total quantity of gas TXG seeks to either import or export would not exceed the 73 Bcf currently authorized by Order 235.

TXG requests expedited treatment of its application to allow TXG to take advantage of readily available spot supplies of domestic, Canadian and Mexican natural gas. An FE decision on TXG's request for expedited treatment will not be made until all responses to this notice have been received and evaluated.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. The applicant asserts that there is no current need for the domestic gas proposed to be exported, that this import/export arrangement will be competitive and therefore is in the public interest. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable.

The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of TXG's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC March 28, 1990.
Constance L. Buckley,
*Deputy Assistant Secretary for Fuels
 Programs, Office of Fossil Energy.*
 [FR Doc. 90-7599 Filed 4-2-90; 8:45 am]
 BILLING CODE 6450-01-M

[FE Docket No. 89-76-NG]

**Pawtucket Power Associates;
 Application To Import Natural Gas
 From Canada**

AGENCY: Office of Fossil Energy,
 Department of Energy.
ACTION: Notice of Application for long-
 term authorization to import natural gas
 from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on October 31, 1989, of an application filed by Pawtucket Power Associates Limited Partnership (Pawtucket), for authorization to import from Canada up to 14,500 Mcf of natural gas per day, and up to a total of 105,932,500 Mcf over a 20-year term, in accordance with the terms and conditions of the applicant's separate gas purchase agreements with Opinac Exploration Limited (Opinac) and Columbia Gas Development of Canada (Columbia). The gas would be used to fuel Pawtucket's new 61 megawatt (MW) cogeneration plant to be constructed and operated in Pawtucket, Rhode Island. Pawtucket requests that the authorization commence upon the commercial operation of the project, which is expected to occur in 1991.

The application is filed under section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., May 3, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, FE-50, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION:
 Frank Duchaine, Office of Fuels
 Programs, Fossil Energy, U.S.
 Department of Energy, Forrestal
 Building, room 3H-087, 1000
 Independence Avenue SW.,
 Washington, DC 20585 (202) 586-8233.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042 1000 Independence Avenue SW., Washington, DC 20585 (202) 586-6667.

SUPPLEMENTARY INFORMATION:

Pawtucket, whose general partner is EMI/Pawtucket, Inc., has its principal office in Boston, Massachusetts. Pawtucket would own the new combined-cycle cogeneration facility to be constructed on premises leased from Colfax, Inc. (Colfax). Construction commenced on September 20, 1989, at an estimated cost of \$67.0 million. Once operational, the project would produce approximately 22,150 pounds of steam per hour and 61 MW (net) of electricity. The steam would be sold to Colfax for use in manufacturing shortening and oils. The electricity would be sold to New England Power Company. The cogeneration facility has been certified as a "qualifying facility" by the Federal Energy Regulatory Commission (FERC) under section 201 of the Public Utilities Regulatory Policies Act of 1978.

Applicant has entered into agreements for transportation of the natural gas with NOVA Corporation (NOVA), TransCanada PipeLines Limited (TransCanada), Iroquois Gas Transmission System (Iroquois), Tennessee Gas Pipeline Company (Tennessee) and Valley Gas Company (Valley). The point of delivery under both the Opinac and Columbia agreements would be the points of inlet on the Nova system. The gas would be transported on the NOVA system to the Alberta border. From the Alberta border, the gas would be transported by TransCanada to Iroquois, Ontario, at the Canadian and U.S. international border. From the border, Iroquois would transport the gas to Schoharie County, New York, to a point of interconnection with Tennessee. From the Tennessee interconnection, the gas would be transported to an existing interconnection with Valley at Lincoln, Rhode Island.

Applicant estimates the per Mcf transportation cost, excluding pipeline fuel, of the imported gas to be:

NOVA.....	\$ 1520
TransCanada.....	7668
Iroquois/Tennessee.....	8400
Valley Gas.....	1000
Total:.....	\$1.7588

Tennessee and Iroquois intend to construct or upgrade facilities to provide transportation service to Pawtucket, and have filed applications in FERC's "open season" proceeding in Docket Nos. CP87-451, et al.

Opinac, an Alberta corporation, is an active oil and gas exploration corporation. It is a subsidiary of Opinac Energy Corporation, a wholly-owned subsidiary of Niagara Mohawk Power Corporation. According to the application, a portion of the natural gas to be imported from Opinac would be supplied from Opinac's existing reserves and would be produced from existing and future fields controlled by Opinac. Opinac's proven reserves total 152 Bcf.

Firm deliveries of gas under the Opinac gas purchase agreement would commence on the earlier of December 31, 1992, or the date that all necessary facilities of the Canadian and U.S. transporters are in place to transport the Daily Contract Quantity (DCQ), and continue for twenty (20) years.

Pawtucket may purchase gas under the contract on an interruptible basis prior to commencement of firm deliveries.

The Opinac agreement establishes a maximum daily quantity of 6,000 Mcf, a maximum annual quantity of 2,190,000 Mcf and a total contract quantity of 48,830,000 Mcf. If Pawtucket fails to take a "triggering quantity" equal to 50 percent of the annual quantity for the average of the previous two contract years, Opinac's sole remedy is the right to require renegotiation of the DCQ, and, absent agreement, arbitration.

The applicant states that the price for natural gas purchased under the agreement is based on a market sensitive "net forward" pricing structure calculated under the following formula: $ACC = BP \times AFC / AFC1$. BP is the base price and is \$1.38 (U.S.) per MMBtu for gas delivered into the NOVA system. ACC is the actual adjusted per MMBtu commodity price, calculated monthly, expressed in U.S. dollars per MMBtu and is based on a percentage of the base price. This percentage is to be computed by dividing the Adjusted Fuel Cost (AFC) by AFC1 (equal to the AFC for January 1989 or \$1.86 (U.S.) per MMBtu). The AFC is the sum of: (a) the average for the month of the daily quotes for No. 6 fuel oil (2.2% sulphur) in *Platts Oilgram Estimated New York Harbor Spot Price*, low cargo quotation assuming 6.3 MMBtu per barrel, multiplied by a factor of 0.5; (b) Tennessee's *Current Average Cost of Purchased Gas* (or its successor rate) as specified in Tennessee's FERC gas tariff in effect on the first day of the month, multiplied by a factor of 0.25; and (c) The New England Power Company's weighted average delivered coal cost as reported in the most recently submitted FERC Form 423 during the immediately preceding month, multiplied by a factor of 0.25. Based on the applicant's pricing

formula and transportation estimates at the time of filing, the delivered price at the Canadian and U.S. international border would be \$2.30 (U.S.) per MMBtu.

Either party may seek to renegotiate the base price by giving written notice at least six (6) months prior to the end of every fifth contract year. Renegotiation would be focused on determining a price that is competitive with and comparable to the average city gate price of long-term, firm baseload supplies of natural gas delivered to local utility companies in Connecticut, Massachusetts and Rhode Island, consistent with the operation of a baseload fossil fuel electric generating plant at a 75 percent load factor.

Columbia is a Canadian corporation established in 1971 as a wholly-owned subsidiary of Columbia Gas System, a company located in Wilmington, Delaware. Like Opinac, Columbia is an active oil and gas exploration company. Applicant states that Columbia has proven gas reserves in excess of 152 Bcf and over the past two years has increased its proven reserves by an average of 8.5 Bcf per year.

Firm deliveries of gas under the Columbia gas purchase agreement would commence on the later of November 1, 1991, or the date that all necessary facilities of the Canadian and U.S. transporters are in place to transport the DCQ, and would continue for twenty (20) years from the initial firm delivery date. Pawtucket may purchase gas on an interruptible basis before firm deliveries commence.

The Columbia gas purchase agreement establishes a maximum daily quantity of 8,500 Mcf, a maximum annual quantity of 3,102,500 Mcf and a total contract quantity of 62,092,500 Mcf. If Pawtucket takes less than 70 percent of the DCQ, Columbia has the option to reduce the DCQ.

The contract pricing formula is virtually identical to the formula governing gas sales between Pawtucket and Opinac, although the Columbia AFC index reverses the relative weights given to Tennessee's average purchased gas costs and to the factor reflecting the average No. 6 fuel oil quotes. Based on the applicant's pricing formula and transportation estimate at the time of filing, the delivered price at the Canadian and U.S. international border would be \$2.25 (U.S.) per MMBtu.

Either party may seek to renegotiate the price at the end of every second contract year. The purpose of such negotiations would be to determine a

price that is competitive with and comparable to the price of long-term, firm baseload price of Canadian natural gas delivered to New England Power Company.

The decision on Pawtucket's application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Other matters that may be considered in making a public interest determination in a long-term import proposal such as this include need for the gas, and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. The applicant asserts that this import arrangement is in the public interest because it is competitive and its gas source will be secure. Parties opposing the import arrangement bear the burden of overcoming these assertions.

All parties should be aware that if the requested import is approved, the authorization would be conditioned on the filing of quarterly reports indicating volumes imported and the purchase price.

NEPA Compliance

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although the protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests,

motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, request for additional procedures, and written comments should be filed at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a conditional or final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Pawtucket's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 29, 1990.
Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.
[FR Doc. 90-7600 Filed 4-2-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59885; FRL 3733-4]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices
AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984, (49 FR 48066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 15 such PMN(s) and provides a summary of each.

DATES: Close of Review Periods:

Y 90-153, 90-154, 90-155, 90-156, 90-157, 90-158, 90-159, 90-160, April 3, 1990.

Y 90-161, April 5, 1990.

Y 90-162, 90-163, April 3, 1990.

Y 90-164, April 4, 1990.

Y 90-165, 90-166, 90-167, April 8, 1990.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-545, 401 M Street, SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 90-153

Manufacturer: Estron Chemical, Inc.
Chemical: (G) Acrylic resin.
Use/Production: (S) Flow control additive for water-reducible coatings.
Prod. range: Confidential.

Y 90-154

Manufacturer: Estron Chemical, Inc.
Chemical: (G) Acrylic resin.
Use/Production: (S) Flow control additive for water-reducible coatings.
Prod. range: Confidential.

Y 90-164

Importer: Takeda U.S.A., Inc.
Chemical: (G) Acrylate copolymer.
Use/Import: (S) Impact modifier for plastics. Import range: Confidential.

Y 90-165

Importer: MTC America, Inc.
Chemical: (G) Polyurethane resin.
Use/Import: (S) UV curing coatings.
Import range: Confidential.

Y 90-166

Importer: MTC America, Inc.
Chemical: (G) Modified epoxy resin.
Use/Import: (S) Anticorrosion primer coating. Import range: Confidential.

Y 90-167

Importer: Confidential.
Chemical: (G) Alkyd resin solution.
Use/Import: (G) Baking enamel.
Import range: Confidential.

Date: March 27, 1990.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances
[FR Doc. 90-7632 Filed 4-2-90; 8:45 am]

BILLING CODE 6560-50-D

[OPTS-59886; FRL 3738-4]
Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices
AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice [PMN] to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984, (49 FR 48066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 12 such PMN(s) and provides a summary of each.

DATES: Close of Review Periods:

Y 90-168, 90-169, 90-170, 90-171, 90-172, 90-173, 90-174, April 9, 1990.

Y 90-175, 90-176, April 10, 1990.

Y 90-177, 90-178, April 11, 1990.

Y 90-179, April 12, 1990.

Y 90-161

Manufacturer: Estron Chemical, Inc.
Chemical: (G) Acrylic resin.
Use/Production: (S) Flow control additive for water-reducible coatings.
Prod. range: Confidential.

Y 90-162

Manufacturer: Estron Chemical, Inc.
Chemical: (G) Acrylic resin.
Use/Production: (S) Flow control additive for water-reducible coatings.
Prod. range: Confidential.

Y 90-163

Manufacturer: Estron Chemical, Inc.
Chemical: (G) Acrylic resin.
Use/Production: (S) Flow control additive for water-reducible coatings.
Prod. range: Confidential.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director,
Environmental Assistance Division (TS-799), Office of Toxic Substances,
Environmental Protection Agency, Room
E-545, 401 M Street, SW., Washington,
DC 20460, (202) 554-1404, TDD (202) 554-
0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 90-168

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

Y 90-169

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

Y 90-170

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

Y 90-171

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

Y 90-172

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

Y 90-173

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

Y 90-174

Manufacturer. Pratt & Lambert.
Chemical. (G) Urethane modified alkyd.
Use/Production. (S) Trade sales floor varnishes. Prod. range: 78,000-135,000 kg/yr.

Y 90-175

Manufacturer. Freeman Chemical Corporation.
Chemical. (G) Water reducible chain-stopped alkyd.
Use/Production. (S) Water-reducible alkyd for industrial air dry coatings. Prod. range: 80,000-160,000 kg/yr.

Y 90-176

Manufacturer. The O'Brien Corporation.
Chemical. (G) Acrylic hydrosol resin.
Use/Production. (G) Intermediate used to make a coating formulation. Prod. range: Confidential.

Y 90-177

Manufacturer. Freeman Chemical Corporation.
Chemical. (G) Saturated polyester resin.
Use/Production. (S) Resin component for electrostatically applied powdered coatings. Prod. range: 4,300-22,000 kg/yr.

Y 90-178

Manufacturer. Confidential.
Chemical. (G) Vinyl alcohol, polymer with acrylic acid arranged as block polymer.
Use/Production. (G) Dissolving agent of developer for color photographic film. Prod. range: Confidential.

Y 90-179

Importer. Confidential.
Chemical. (G) Grafted EVA copolymer.
Use/Import. (G) Coextrusion binder. Import range: Confidential.

Date: March 27, 1990.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances

[FR Doc. 90-7633 Filed 4-2-90; 8:45 am]

BILLING CODE 6560-50-D

[OPP-50700; FRL-3734-7]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Genetically Modified Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from the Agricultural Research Service, U.S. Department of Agriculture, a notification of intent to conduct small-scale field testing in Maryland of a UV-induced mutant strain of *Verticillium lecanii*.

DATES: Comments must be received on or before April 17, 1990.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement" of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from the Agricultural Research Service, U.S. Department of Agriculture. The purpose of the proposed testing is to evaluate the efficacy of a UV-induced mutant strain of *Verticillium lecanii* for the control of soybean cyst nematodes on soybean plants. The proposed field tests would be conducted in the State of Maryland on a total area of less than 10 acres.

Dated: March 21, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-7640 Filed 4-2-90; 8:45 am]

BILLING CODE 6560-50-D

**FEDERAL COMMUNICATIONS
COMMISSION**

[DA 90-514]

**Advisory Committee on Advanced
Television Service Implementation
Subcommittee Meeting**

March 28, 1990.

A meeting of the Implementation Subcommittee of the Advisory Committee on Advanced Television Service will be held on: April 17, 1990, 10:00 A.M., Commission Meeting Room (Room 856), 1919 M Street, NW., Washington, DC.

The agenda for the meeting will consist of:

1. Introduction
2. Minutes of Last Meeting
3. Report of Working Party 1 Policy and Regulation
4. Report of Working Party 2 Transition Scenarios
5. General Discussion
6. Other Business
7. Date and Location of Next Meeting
8. Adjournment

All interested persons are invited to attend. Those interested also may submit written statements at the meeting. Oral statements and discussion will be permitted under the direction of the Implementation Subcommittee Chairman.

An questions regarding this meeting should be directed to Dr. James J. Tietjen at (609) 734-2237 or David R. Siddall at (202) 632-7792.

Federal Communications Commission.

Donna R. Searcy,
Secretary

[FEB Dec. 90-7516 Filed 4-2-90 8:45 am]

BILLING CODE F313-01-M

BILLING CODE 0712-01-W

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Applications for C

Applications for Consolidated Hearing

1. The Commission has before it the following groups of mutually exclusive applications for nine new FM stations:

Applicant, city and state	File No.	MM docket No.
	I	
A. Bott Broadcasting Company; Fort Wayne, IN.	BPH-880421MB...	90-10
B. Pamela R. Jones; Fort Wayne, IN.	BPH-880421MR...	
C. Edgewater Radio, Inc.; Fort Wayne, IN.	BPH-880421MU...	
D. Fort Wayne Broadcast Partnership; Fort Wayne, IN.	BPH-880421NA...	

Applicant, city and state	File No.	MM docket No.	Applicant, city and state	File No.	MM docket No.
E. Steve A. Miller; Fort Wayne, IN.	BPH-880421NO....		B. Nicholas Henderson d/b/a Ford City Broadcasting Company; Ford City, CA.	BPH-880525OP....	
F. Ft. Wayne Broadcasting Co., Inc.; Fort Wayne, IN.	BPH-880421NV....				
G. Wright Communications of Ft. Wayne, Inc.; Fort Wayne, IN.	BPH-880421NY....		<i>Issue heading and applicants</i> 1. See Appendix, D 2. See Appendix, D 3. See Appendix, D 4. See Appendix, D 5. Comparative, A-H 6. Ultimate, A-H		
<i>Issue heading and applicants</i> 1. See Appendix, D 2. See Appendix, D 3. See Appendix, D 4. See Appendix, D 5. Comparative, A-H 6. Ultimate, A-H					
II			IV		
A. Intermart Broadcasting Gulf Coast, Inc.; Punta Rassa, FL.	BPH-880224MN....	90-106	A. Mega Media, Ltd.; Eldora, Iowa.	BPH-880415MD....	90-114
B. Christine Harvel; Punta Rassa, FL.	BPH-880301NB....		B. E.W. Bie; Eldora, Iowa.	BPH-880415MF....	
C. Southwest Florida FM Broadcasting, Ltd.; Punta Rassa, FL.	BPH-880303MG....		<i>Issue heading and applicants</i> 1. Comparative, A, B 2. Ultimate, A, B		
D. Byron Douglas Kight & Mary Giglia Martinez Johnson d/b/a Kight Broadcasting Limited Partnership; Punta Rassa, FL.	BPH-880303MH....				
E. Peter B. Fulton; Punta Rassa, FL.	BPH-880303MJ....		A. Gloucester-Matthews Community Broadcasting, Inc.; Gloucester, VA.	BPH-880324MF....	90-113
F. Deborah G. Abbott; Punta Rassa, FL.	BPH-880303MK....		B. Robinson Communications Limited Partnership; Gloucester, VA.	BPH-880324MO....	
G. Sunset Coastal Broadcasting Inc.; Punta Rassa, FL.	BPH-880303ML....		C. Joseph D. Capobianchi d/b/a J.C. Broadcasting; Gloucester, VA.	BPH-880324NY....	
H. Schefflera, Inc.; Punta Rassa, FL.	BPH-880303MN....		<i>Issue heading and applicants</i> 1. Cross-interest, B 2. Comparative, A, B, C 3. Ultimate, A, B, C		
I. Patrick Broadcast Associates, Inc.; Punta Rassa, FL.	BPH-880303MO....		A. Lowndes County Broadcasting; Valdosta, GA.	BPH-880226ML....	90-112
J. Jim-Tan Broadcasting, Inc.; Punta Rassa, FL.	BPH-880303MP....		B. Albert Leon Brooks; Valdosta, GA.	BPH-880301MT....	
K. Palm Tree FM Limited Partnership; Punta Rassa, FL.	BPH-880303MQ....		C. Great Scott Broadcasting; Valdosta, GA.	BPH-880301NQ....	
<i>Issue heading and applicants</i> 1. See Appendix, I 2. See Appendix, I 3. See Appendix, I 4. Air Hazard, B, F, I, J 5. Comparative, A-K 6. Ultimate, A-K			D. Sky Broadcasting Company; Valdosta, GA.	BPH-880301NU....	
			<i>Issue heading and applicants</i> 1. Air Hazard, C 2. Comparative, A-D 3. Ultimate, A-D		
III					
A. H.L. Charles d/b/a Ford City Broadcasting; Ford City, CA.	BPH-880504MB....	90-107	A. Jonathan Lee LeVeen; Thomaston, Maine.	BPH-880208MI....	90-111
			B. Central Radio Communications, Inc.; Thomaston, Maine.	BPH-880208MJ....	

Applicant, city and state	File No.	MM docket No.
C. Donna Lee Knauer; Thomaston, Maine.	BPH-880208MN...	
D. Monhegan Broadcasting Company; Thomaston, Maine.	BPH-880208MO...	

Issue heading and applicants

1. Air Hazard, B, C
2. Comparative, A-D
3. Ultimate, A-D

VIII

A. Anderson University, Inc.; Anderson, Indiana.	BPH-880125ML...	90-110
B. B.M. Allen Gough, Inc.; Anderson, Indiana.	BPH-880125MM...	
C. Wilber Umberger; Anderson, Indiana.	BPH-880125MT...	

Issue heading and applicants

1. See Appendix, B
2. See Appendix, B
3. See Appendix, B
4. Comparative, A, B, C
5. Ultimate, A, B, C

IX

A. Palmetto Radio, Inc.; Sumter, SC.	BPH-880310MA...	90-108
B. Sharon Annette Haley; Sumter, SC.	BPH-880310MZ...	
C. Pam S. Adkins & Lee S. Senter; Sumter, SC.	BPH-880310ND...	
D. Sumter Radio Partners; Sumter, SC.	BPH-880310NM...	
E. Iris Communications, Inc.; Sumter, SC.	BPH-880310NS...	
F. Mark Brody, d/b/a Sumter Radio Partnership; Sumter, SC.	BPH-880310NO (Previously Dismissed).	

Issue heading and applicants

1. See Appendix, A
2. See Appendix, A
3. See Appendix, A
4. See Appendix, C, D
5. Comparative, A-E
6. Ultimate, A-E

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify

whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendices**Fort Wayne, Indiana—Additional Issue Paragraphs**

1. To determine whether Sonrise Management Services, Inc. is an undisclosed party to the application of D (Partnership)

2. To determine whether D's (Partnership) organizational structure is a sham.

3. To determine whether D (Partnership) violated § 1.65 of the Commission's Rules, and/or lacked candor, by failing to report the designation of character issues against other applicants in which one or more of its partners has an ownership interest and/or the dismissal of such ownership interest and/or the dismissal of such applications with unresolved character issues pending.

4. To determine, in light of the evidence adduced pursuant to issues 1 through 3 above, whether D (Partnership) possesses the basic qualifications to be a licensee of the facilities sought herein.

Punta Rassa, Florida—Additional Issue Paragraphs

1. To determine whether Sonrise Management Services, Inc. is an undisclosed party to the application of I (Patrick).

2. To determine whether I's (Patrick) organizational structure is a sham.

3. To determine from the evidence adduced pursuant to issues 1 and 2 above, whether I (Patrick) possesses the basic qualifications to be a licensee of the facilities sought herein.

Anderson, Indiana—Additional Opinion Paragraphs

1. To determine whether Sonrise Management Services, Inc. is an undisclosed party to the application of B (Gough).

2. To determine whether B's (Gough) organizational structure is a sham.

3. To determine from the evidence adduced pursuant to issues 1 and 2 above, whether B (Gough) possesses the basic qualifications to be a licensee of the facilities sought herein.

Sumter, South Carolina

1. To determine whether Sonrise Management Services, Inc. is an undisclosed party to the application of A (Palmetto).

2. To determine whether A's (Palmetto) organizational structure is a sham.

3. To determine from the evidence adduced pursuant to issues 1 and 2 above, whether A (Palmetto) possesses the basic qualifications to be a licensee of the facilities sought herein.

[FR Doc. 90-7515 Filed 4-2-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM**Credit Lyonnais, et al.; Applications To Engage de novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1990.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. **Credit Lyonnais**, Paris, France; to engage *de novo* through its subsidiary, Credit Lyonnais/PK Airfinance, Luxembourg, and thereby engage in making, acquiring, or servicing loans or other extensions of credit including issuing letters of credit for Credit Lyonnais/PK Airfinance's account or for the account of others pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. **Worthen Banking Corporation**, Little Rock, Arkansas; to engage *de novo* through its subsidiary, Worthen Trust Company, Inc., Little Rock, Arkansas, in providing trust services pursuant to § 225.25(b)(3) of the Board's Regulation Y. These activities will be conducted in Little Rock, Conway, Hot Springs, Springdale, Camden, Harrison, Russellville, Pine Bluff, and Batesville, Arkansas.

Board of Governors of the Federal Reserve System, March 28, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-7560 Filed 4-2-90; 8:45 am]

BILLING CODE 6210-01-M

First American Bank Corp., et al.; Formations of, Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 23, 1990.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. **First American Bank Corporation**, Elk Grove Village, Illinois; to acquire 21.47 percent of the voting shares of Meadowview Bancorp, Inc., Kankakee, Illinois, and thereby indirectly acquire First National Bank of Kankakee County, Kankakee, Illinois.

2. **Manufacturers National Corporation**, Detroit, Michigan; to acquire 100 percent of the voting shares of State Bank of Lake Zurich, Lake Zurich, Michigan.

3. **Northern Illinois Bancorp, Inc.**, Joliet, Illinois; to acquire 78.47 percent of the voting shares of Meadowview Bancorp, Inc., Kankakee, Illinois, and thereby indirectly acquire First National Bank of Kankakee County, Kankakee, Illinois.

4. **River Forest Bancorp, Inc.**, Chicago, Illinois; to acquire 100 percent of the voting shares of Madison Financial Corporation, Chicago, Illinois, and thereby indirectly acquire Madison Bank and Trust Company, Chicago, Illinois; Madison National Bank of Niles, Des Plaines, Illinois; and First National Bank of Wheeling, Wheeling, Illinois.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Dassel Investment Company**, Minneapolis, Minnesota; to acquire 4.01 percent of the voting shares of Hutchinson Bancorp, Inc., Minneapolis, Minnesota.

Board of Governors of the Federal Reserve System, March 28, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-7561 Filed 4-2-90; 8:45 am]

BILLING CODE 6210-01-M

Jose Gouveia, Jr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board

of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 18, 1990.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. **Jose Gouveia, Jr.**, New Bedford, Massachusetts; Maria Chaves, Fall River, Massachusetts; John J. Kalife, Fairhaven, Massachusetts; and David Sylvia, South Dartmouth, Massachusetts; to acquire an additional 50 percent of the voting shares of New Bedford Community Bancorp, New Bedford, Massachusetts, for a total of 100 percent, and thereby indirectly acquire Luzo Community Bank, New Bedford, Massachusetts.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. **Federal Abdula**, to retain 14.93 percent and to acquire up to an additional 5.1 percent of the voting shares of Northern States Financial Corporation, Waukegan, Illinois, and thereby indirectly acquire Bank of Waukegan, Waukegan, Illinois.

2. **Barry Eugene Monaghan**, to acquire up to 24.99 percent of Class A voting common stock of Guthrie County Bancshares Inc., Guthrie Center, Iowa.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Linda M. Freeman**, to retain 29.70 percent of the voting shares of Morris State Bancorporation, Inc., Morris, Minnesota, and thereby indirectly acquire Morris State Bank, Morris, Minnesota.

Board of Governors of the Federal Reserve System, March 28, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-7562 Filed 4-2-90; 8:45 am]

BILLING CODE 6210-01-M

The Joseph & Bessie Feinberg Foundation, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies, and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities

of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1990.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Joseph & Bessie Feinberg Foundation, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 39 percent of the voting shares of Jefferson Holding Corp., Chicago, Illinois, and thereby indirectly acquire Jefferson State Bank, Chicago, Illinois.

In connection with this application, Applicant also proposes to engage in community development activities by retaining 56 percent of Park West Tower, Chicago/Aurora, Illinois, and 76 percent of Park West Coin-Op, Chicago, Illinois, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 28, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-7563 Filed 4-2-90; 8:45 am]

BILLING CODE 6210-01-M

The Sumitomo Bank, Ltd.; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a) or (f) of the Board's Regulation Y (12 CFR 225.23 (a) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1990.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Sumitomo Bank, Ltd.*, Osaka, Japan; to engage *de novo* through its subsidiary, S.B.C.M.(UK), Limited, London, England, in acting as a broker or agent with respect to interest rate swap and currency swap transactions, and certain risk-management products such as caps, floors and collars, as well

as options on swaps, caps, floors and collars ("swap derivative products"), and acting as an adviser to institutional customers regarding financial strategies involving interest rate and currency swaps and swap derivative products. Both of these activities are currently engaged in by Sumitomo's subsidiary, Sumitomo Bank Capital Markets, Inc., New York, New York, pursuant to the Board's order of June 26, 1989, 75 Federal Reserve Bulletin, 582 (1989).

Board of Governors of the Federal Reserve System, March 28, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-7564 Filed 4-2-90; 8:45 am]

BILLING CODE 6210-01-M

U.S. Bancorp; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1990.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. U.S. Bancorp, Portland, Oregon; to acquire Mother Lode Savings Bank, Sacramento, California, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 28, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-7565 Filed 4-2-90; 8:45am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Immediate Deduction on Stated Overcharges; Payment of Interest to Carriers

AGENCY: Federal Supply Service, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration is exploring the feasibility of taking immediate deductions on stated overcharges on billings for domestic and foreign freight and passenger transportation services furnished for the account of the United States. GSA is also investigating the possibility of the Government paying interest on erroneous deductions. This notice will survey the views of industry and other affected parties to help in the development of rules and procedures which will benefit all concerned.

DATES: Comments concerning the feasibility of these methods should be made by May 18, 1990.

ADDRESSES: Comments should be mailed to the Director, Office of Transportation Audits (FW), Room 5034, General Services Administration, 18th and F Streets, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Policy Branch, Office of Transportation Audits, telephone 202-788-3065 or FTS 788-3065.

SUPPLEMENTARY INFORMATION: The advantages to the Government of immediate deduction on stated overcharges include:

a. Eliminating those instances where deductions are made when refund checks are enroute to GSA;

- b. Reducing check tape preparation costs by eliminating most carrier refunds to the lock box bank; and
- c. Collecting overcharges in a timely matter.

For the carriers, direct deduction would:

- a. Streamline notification procedures by allowing all overcharges and deduction data to be combined on a single document sent to the carrier at the time of offset;
- b. Eliminate the need to issue overcharge refund checks; and
- c. Deduct only the amount of the stated overcharge and interest (additional interest during notification and appeal process would be eliminated).

Incidental to immediate deduction, GSA is also investigating the feasibility and legality for carriers to receive interest on overcharge claims admitted after deduction. Legislation may have to be enacted to allow the Government to pay interest.

Dated: March 28, 1990.

R. W. Piasecki,

Director, Office of Transportation Audits.

[FR Doc. 90-7521 Filed 4-2-90; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90M-0102]

Cordis Corp.; Premarket Approval of the Cordis Orion™ Steerable PTCA Balloon Catheter

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Cordis Corp., Miami, FL, for premarket approval, under the Medical Device Amendments of 1976, of the Cordis Orion™ Steerable PTCA (percutaneous transluminal coronary angioplasty) Balloon Catheter. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of March 6, 1990, of the approval of the application.

DATES: Petitions for administrative review by May 3, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets

Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Tara A. Ryan, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1197.

SUPPLEMENTARY INFORMATION: On February 18, 1989, Cordis Corp., Miami, FL 33102, submitted to CDRH an application for premarket approval of the Cordis Orion™ Steerable PTCA Balloon Catheter. The device is indicated for balloon dilatation of the atherosomatous, stenotic portion of a coronary artery affected by atherosclerosis in patients who are suitable candidates for coronary artery bypass graft surgery and who meet one of the following selection criteria:

1. Single vessel atherosclerotic coronary artery disease with lesions that are concentric, discrete, subtotal, noncalcific, and accessible to dilatation with a catheter;
2. Multivessel disease in certain cases; or
3. Previous coronary bypass surgery with recurrence of symptoms and progression of disease in the coronary artery or stenosis and closure of the grafts.

On September 25, 1989, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On March 6, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Tara A. Ryan (HFZ-450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative

practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 3, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 26, 1990.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 90-7582 Filed 4-2-90; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Health Resources and Services Administration

Final Review Criteria for Allied Health Project Grants

The Health Resources and Services Administration (HRSA), announces the final review criteria for Fiscal Year 1990 Allied Health Project Grants. This grant program is authorized under section 796(a), Title VII, of the Public Health Service Act, as amended by the Health Professions Reauthorization Act of 1988, Public Law 100-607.

Section 796(a) authorizes the award of grants for the costs of planning,

developing, establishing, operating, and evaluating projects:

(1) For improving and strengthening the effectiveness of allied health administration, program directors, faculty, and clinical faculty;

(2) For improving and expanding program enrollments in those professions in greatest demand and whose services are most needed by the elderly;

(3) For promoting the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly through interdisciplinary training programs;

(4) For emphasizing innovative models to link allied health clinical practice, education and research;

(5) For adding and strengthening curriculum units in allied health programs to include knowledge and practice concerning prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics; and

(6) For the recruitment of individuals into allied health professions including projects for:

(A) The identification and recruitment of highly qualified individuals, including the provision of educational and work experiences for recruits at the secondary and collegiate levels;

(B) The identification and recruitment of minority and disadvantaged students, including the provision of remedial and tutorial services prior and subsequent to admission, the provision of work-study programs for secondary students, and recruitment activities directed toward primary school students; and

(C) The coordination and improvement of recruitment efforts among official and voluntary agencies and institutions, including official departments of education, at the city, county, and State, or regional level.

Grants will be awarded on a competitive basis.

Eligible Applicants

To be eligible for a grant, an applicant must be a school, university or other public or nonprofit private educational entity which provides for allied health personnel education and training.

Proposed review criteria were published in the **Federal Register** of January 5, 1990 (55 FR 489) for public comment. No comments were received during the 30 day comment period. Therefore, as proposed the review criteria will be retained as follows.

Final Review Criteria

Applications will be reviewed based on an analysis of the following factors:

- The extent to which the proposed project meets the legislative purpose;

- The background and rationale for the proposed project;

- The extent to which the project contains clearly stated realistic and achievable objectives;

- The extent to which the project contains a methodology which is integrated and compatible with project objectives, including collaborative arrangements and feasible workplans;

- The evaluation plans and procedures for program and trainees, if involved;

- The administrative and management capability of the applicant to carry out the proposed project, including institutional infrastructure and resources;

- The extent to which the budget justification is complete, cost-effective and includes cost-sharing, when applicable; and

- Whether there is an institutional plan and commitment for self-sufficiency when Federal support ends.

The **Federal Catalog of Domestic Assistance** number for this program is 13.191. This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: March 28, 1990.

Robert G. Harmon,

Administrator.

[FR Doc. 90-7583 Filed 4-2-90; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Institute on Aging; Meeting of the Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, May 7-8, 1990, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 10 a.m. on Monday, May 7 until approximately 4 p.m. and will again be open to the public from 9 a.m. on Tuesday, May 8 until 3 p.m. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c) (6), title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 7 from 4 p.m. until recess, and again on May 8 from 3 p.m. until adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National

Institute on Aging, NIH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 5C02, National Institutes of Health, Bethesda, Maryland 20892, (telephone: 301/496-9322) will provide a summary of the meeting and a roster of committee members. Dr. George R. Martin, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.886, Aging Research, National Institutes of Health)

Dated: March 23, 1990.

Betty J. Beveridge,
Committee Management Officer, NIH.
[FR Doc. 90-7555 Filed 4-2-90; 8:45 am]

BILLING CODE 4140-01-M

OFFICE OF HUMAN DEVELOPMENT SERVICES

[Program Announcement No. HDS-90-1]

Fiscal Year 1990 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications

AGENCY: Office of Human Development Services, HHS.

ACTION: Correction notice.

SUMMARY: This notice corrects the Office of Human Development Services' Coordinated Discretionary Funds Program announcement published in the Federal Register on March 8, 1990 (55 FR 8553) by adding a section and supplementing and revising other information.

DATES: The closing date for submittal of applications remains the same: May 11, 1990.

FOR FURTHER INFORMATION CONTACT: Office of Human Development Services, Office of Policy, Planning and Legislation, Division of Research and Demonstration, 200 Independence Avenue, SW, room 724-F, Washington, DC 20201-0001. Telephone (202) 755-4560. To provide 24-hour coverage, calls to this number may be answered by an answering machine.

SUPPLEMENTARY INFORMATION:

A. Background and Summary List of Corrections

On March 8, 1990, the Office of Human Development Services (HDS) published its Fiscal Year 1990 Coordinated Discretionary Funds Program announcement in the *Federal Register* (55 FR 8553). Briefly, we are making the following corrections to that notice to:

1. Add an address where the Sample Application may be obtained.
2. Revise information on the Federal share and the non-Federal matching requirement for Priority Area 3.27, *Head Start Program Improvement Demonstrations*.
3. Correct an erroneous date for submission of an application.
4. Add a missing item to the *Checklist for a Complete Application*.
5. Change the word "indirect" to "direct" in the instructions for the calculation of indirect costs for training grants.
6. Include new name and telephone number for California's State Single Point of Contact.

B. Corrections

1. In Part I of the announcement, a section referencing the availability of an HDS publication entitled *Sample Application* was inadvertently omitted. The *Sample Application* is intended for use by prospective applicants as a technical assistance tool. The following language should be inserted as section I at the end of Part I (55 FR 8556):

I. Sample Application

A *Sample Application* containing a project narrative and related evaluative comments has been prepared by HDS to assist prospective applicants in developing better applications through an understanding of what HDS considers to be the essential attributes of a strong project narrative. A copy of this publication will be sent to you upon request by calling (202) 755-4560 or writing to: Office of Policy, Planning and Legislation, Division of Research and Demonstration, 200 Independence Avenue, SW, Washington, DC 20201. Also, copies of the *Sample Application* will be available for distribution at the scheduled workshops listed under section G, *Technical Assistance Workshops for Prospective Applicants* (page 8556).

2. In Part II of the announcement, priority area 3.27, *Head Start Program Improvement Demonstrations*, information regarding the *Federal Share of Project Costs and Matching Requirement* (55 FR 8583, column 3) is

revised to add language to include provisions for collaborative arrangements involving two or more grantees and/or delegate agencies in terms of increased Federal share as well as non-Federal matching requirements. The revised language for these sections is as follows:

3.27 Head Start Program Improvement Demonstration

Federal Share of Project Cost: The maximum Federal share of the project costs per budget year is not to exceed \$50,000 for a single grantee or delegate agency, and not to exceed \$100,000 for a collaborative project involving two or more grantees or delegate agencies.

Matching Requirements: The minimum matching requirement in proportion to the maximum Federal share of \$50,000 is \$16,667 for a total project cost of \$66,667 per year for a single grantee or delegate agency. For collaborative projects involving two or more grantees and/or delegate agencies, the minimum matching requirement in proportion to a maximum Federal share of \$100,000 is \$33,333 for a total project cost of \$133,333 per year. In either case, the matching requirement constitutes 25 percent of the annual project budget.

3. In Part III, section B, *Deadline for the Submittal of Applications* (55 FR 8589), column two, the first sentence in the fifth paragraph is revised to change the date for submission of an application from April 30, 1990 to May 11, 1990. The revised version is as follows:

Applications which do not meet the May 11, 1990 deadline are considered late applications and will not be considered or reviewed in the current competition.

4. In Part III, section H, *Checklist for a Complete Application* (55 FR 8594), column one, the following screening requirement is added under number 2, "Adherence to Screening Requirements":

Application for Federal Assistance (Standard Form 424, REV 4-88) and Budget Information—Non-Construction Programs (Standard Form 424A, REV 4-88) must be submitted.

5. In Part III, section F, sub-section 2, item dealing with *Indirect Charges—Line 6j* (55 FR 8592), third column, the fourth paragraph is revised to change the word "indirect" in the last line to "direct." The revised paragraph is as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

6. Under *Executive Order 12372—State Single Points of Contact* (55 FR

8594), column two, the contact person for the State of California has been changed. The new entry for that State is as follows: Loreen McMahon, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, tel. (916) 445-0613.

Dated: March 29, 1990.

Donna N. Givens,

Deputy Assistant Secretary for Human Development Services.

[FR Doc. 90-7626 Filed 04-02-90; 8:45 am]

BILLING CODE 4130-01-M

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) a request for approval of a new information collection for a National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth for the Administration for Youth, Children and Families.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245-6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, room 3208, 725 17th Street NW., Washington, DC 20503, (202) 395-7316.

Information on Document

Title: A National Evaluation of Title IV-E Foster Care, Independent Living Programs for Youth.

OMB No.: N/A.

Description: The purpose of this evaluation study is to assess the influence of the Federal independent living initiatives program (section 477 of the Social Security Act) on the policies, programs, services, training, and funding provided by state and local foster care agencies to prepare and support adolescents in transition to independent living. It was also designed to develop national estimates about the

characteristics of older youth discharged from foster care, the number and type of independent living services youth received while in care, and the relationship between outcomes for youth once they have been discharged and whether or not they received independent living services.

Annual Number of Respondents: 1,200.

Annual Frequency: 1.

Average Burden Hours Per Response: 1.

Total Burden Hours: 1,200.

Dated: March 28, 1990.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 90-7585 Filed 4-2-90; 8:45 am]

BILLING CODE 4130-01-M

4. Director, Housing Development Division.

This designation supersedes the designation effective January 20, 1984, published as Docket No. D-84-751 in the *Federal Register* issue of May 15, 1984 (49 FR 20573), and supersedes the unpublished designations effective January 17, 1989, and February 13, 1989.

Authority: Designation of authority by the Secretary effective October 1, 1970, in the *Federal Register* issue of February 23, 1971 (36 FR 3389).

Sam R. Moseley,

Regional Administrator—Regional Housing Commissioner, Region VI (Fort Worth).

[FR Doc. 90-7588 Filed 4-2-90; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-943-00-4212-13; GPO-177; OR-32760]

Conveyance of Public Lands; Order Providing for Opening of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 3,319.93 acres of public land and/or mineral estate out of Federal ownership. The action will also open 1,320 acres of reconveyed lands to surface entry, and 360 acres to mining and 320 acres to mineral leasing. The 960-acre balance has been and continues to be open to mining and mineral leasing.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716, a patent has been issued transferring 3,319.93 acres of lands in Harney County, Oregon, from Federal to private ownership.

2. In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 31 S., R. 32 3/4 E.

Sec. 10, NE 1/4 NE 1/4, NE 1/4 SE 1/4, and S 1/2 SE 1/4;

Sec. 11, SW 1/4 NE 1/4, NW 1/4 NW 1/4, S 1/2 NW 1/4, and S 1/2;

Sec. 12, NW 1/4 SW 1/4, and S 1/2 SW 1/4;

DESIGNATION: Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager. Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager,
2. Chief Counsel,
3. Director, Housing Management Division.

Sec. 14, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 32 S., R. 32 3/4 E.
 Sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 1,320 acres in Harney County.

3. The land in T. 32 S., R. 32 3/4 E., is included within a Wilderness Study Area and will not be opened to mineral leasing.

4. At 8:30 a.m., on May 10, 1990, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 10, 1990, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. At 8:30 a.m., on May 10, 1990, the lands described in paragraph 2 will be open to location and entry under the United States mining laws.

Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

6. At 8:30 a.m., on May 10, 1990, the lands described in paragraph 2, except as provided in paragraph 3, will be open to applications and offers under the mineral leasing laws.

Dated: March 26, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-7577 Filed 4-2-90; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4212-13; GPO-176; OR-42021 (WASH)]

Conveyance of Public Lands; Order Providing for Opening of Land in Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 797.22 acres of

public lands out of Federal ownership. This action will also open 1,960 acres of reconveyed land to surface entry. The minerals are not in Federal ownership.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT:

Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: Notice is hereby given that in an exchange of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716, a patent has been issued transferring 797.22 acres of lands in Yakima County, Washington, from Federal to private ownership.

In the exchange, the following described land has been reconveyed to the United States:

Willamette Meridian

T. 22 N., R. 23 E.,

Sec. 14, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23;
 Sec. 24, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 27, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

The area described contains 1,960 acres in Douglas and Grant Counties.

At 8:30 a.m., on May 10, 1990, the above described land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 10, 1990, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Dated: March 26, 1990.

Robert E. Mollohan,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-7578 Filed 4-2-90; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4212-13; GPO-175; OR-45078(WASH)]

Conveyance of Public Lands; Order Providing for Opening of Lands in Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 1,427.53 acres of public lands out of Federal ownership. This action will also open approximately 777.20 acres of

reconveyed lands to surface entry, mining and mineral leasing.

EFFECTIVE DATE: May 10, 1990.

FOR FURTHER INFORMATION CONTACT:

Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: Notice is hereby given that in an exchange of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716, a patent has been issued transferring 1,427.53 acres in Franklin County, Washington, from Federal to private ownership.

In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 25 N., R. 31 E.,

Sec. 12, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 26 N., R. 32 E.,
 Sec. 31, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 32, that portion of the NW $\frac{1}{4}$ lying west of Lincoln County Road No. 1613.

The areas described aggregate approximately 777.20 acres in Lincoln County.

At 8:30 a.m., on May 10, 1990, the above described lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 10, 1990, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

At 8:30 a.m., on May 10, 1990, the above described lands will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

At 8:30 a.m., on May 10, 1990, the above described lands will be open to applications and offers under the mineral leasing laws.

Dated: March 28, 1990.

Robert E. Mollohan,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 90-7579 Filed 4-2-90; 8:45 am]

BILLING CODE 4310-33-M

[WY-930-00-4214-10; WYW 112132]

**Amendment to Withdrawal
Application; Segregation of Lands;
Opening of Lands; Wyoming**

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice and opening order.

SUMMARY: The Department of Energy has filed an amendment to their existing withdrawal application which requested the withdrawal of 80 acres of public mineral estate in order to stabilize a uranium mill tailings area, in place, and pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, 92 Stat. 3021; 42 U.S.C. 7901. This amendment will delete 10 acres in Section 28, T. 38 N., R. 73 W., from the original application and replace with 10 acres in Section 27, T. 38 N., R. 73 W. This notice will remove the segregations imposed on the lands in Section 28 by the original notice and place these restrictions on the lands in Section 27. This will not affect the original application other than to replace one area with another and does not extend the ten-year segregation, which will terminate on October 26, 1990.

DATES: Comments or requests for a meeting should be received within 90 days of publication date.

ADDRESSES: Correspondence should be addressed to the State Director, BLM Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM Wyoming State Office, 307-772-2072.

SUPPLEMENTARY INFORMATION: Proposed Withdrawal and Opportunity for Public Meeting; Wyoming, published October 27, 1988, 53 FR 43479, is hereby amended as follows:

1. Withdrawal application WYW 112132 is amended to include the following described lands:

Sixth Principal Meridian

T. 38 N., R. 73 W.,
Sec. 27, W½W½SW½NW½.

The area described aggregates 10 acres in Converse County.

Effective on date of publication, this land is segregated from location and entry under the United States mining laws. The lands remain open to mineral

leasing subject to concurrence by the Department of Energy, the Nuclear Regulatory Commission, and the Department of the Interior.

Any interested persons who desire to comment in connection with this site may present their views in writing to the State Director, Wyoming State Office. This site is subject to all restrictions and requirements imposed by the original notice.

2. Effective on the date of application, the SW¼NE¼SE¼ of sec. 28, T. 38 N., R. 73 W., approximately 10 acres of land, which was described in the original notice, are relieved of the restrictions imposed on mineral leasing by the original notice and opened to location under the United States mining laws.

Dated: March 27, 1990.

F. William Eikenberry,
Associate State Director.

[FR Doc. 90-7588 Filed 4-2-90; 8:45 am]

BILLING CODE 4310-22-M

National Park Service

**Delta Region Preservation
Commission; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7 p.m., on May 16, 1990, at the St. Bernard Parish Policy Jury Building, 8201 W. Judge Perez Drive, Chalmette, Louisiana.

The Delta Region Preservation Commission was established pursuant to section 907 of Public Law 95-625 (16 U.S.C. 230f), as amended, to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park and Preserve, and in the implementation and development of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

- General Management Plan Status Report
- Old Business
- New Business

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the

Superintendent, Jean Lafitte National Historical Park and Preserve.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact M. Ann Belkov, Superintendent, Jean Lafitte National Historical Park and Preserve, U.S. Customs House, 423 Canal Street, Room 210, New Orleans, Louisiana 70130-2341, telephone 504/589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park and Preserve.

Dated March 16, 1990.

John E. Cook,

Regional Director, Southwest Region.

[FR Doc. 90-7596 Filed 4-2-90; 8:45 am]

BILLING CODE 4310-79-M

**National Register of Historic Places;
Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 24, 1990. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by April 18, 1990.

Marilyn W. Nickels,

Acting, Chief of Registration, National Register.

ARKANSAS

Nevada County

Worthem Gymnasium, AR 200, Oak Grove, 90000667

Pulaski County

Mosaic Templars of America Headquarters Building, 900 Broadway, Little Rock, 90000634

GEORGIA

Upson County

Harp, W.A. House, 206 Barnesville St., Thomaston, 90000636

MARYLAND

Howard County

Elkridge Furnace Complex, 5730 & 5741-5745 Furnace Ave., Elkridge, 90000635

MASSACHUSETTS

Essex County

Coqswell's Grant, 80 Spring St., Essex, 90000668

Suffolk County

Copp's Hill Terrace, Between Commercial and Charter Sts., West of Jackson Place, Boston, 90000631

MISSOURI**Washington County**

Susan Cave, Address Restricted, Potosi Ranger District vicinity, 90000633

MONTANA**Beaverhead County**

Oregon Short Line Passenger Depot, S. Montana St., Dillon, 90000628

Missoula County

Apartment-Building at 116 Spruce Street (Historic Resources in Missoula, 1864-1940, MRA), 116 W. Spruce St., Missoula, 90000644

Atlantic Hotel (Historic Resources in Missoula, 1864-1940, MRA), 519 M. Higgins Ave., Missoula, 90000652

Brunswick Hotel (Historic Resources in Missoula, 1864-1940, MRA), 223 Railroad St., Missoula, 90000645

Garden City Drug (Historic Resources in Missoula, 1864-1940, MRA), 118 N. Higgins Ave., Missoula, 90000660

Gleim Building (Historic Resources in Missoula, 1864-1940, MRA), 265 W. Front St., Missoula, 90000653

Hammond Arcad (Historic Resources in Missoula, 1864-1940, MRA), 101 S. Higgins Ave., Missoula, 90000646

Hellgate Lodge 383 BPOE (Historic Resources in Missoula, 1864-1940, MRA), 120 N. Pattee St., Missoula, 90000661

Independent Telephone Company Building (Historic Resources in Missoula, 1864-1940, MRA), 207 E. Main St., Missoula, 90000648

Labor Temple (Historic Resources in Missoula, 1864-1940, MRA), 208 E. Main St., Missoula, 90000650

Lucy Building (Historic Resources in Missoula, 1864-1940, MRA), 330 N. Higgins Ave., Missoula, 90000656

Marsh and Powell Funeral Home (Historic Resources in Missoula, 1864-1940, MRA), 224 W. Spruce St., Missoula, 90000655

Masonic Lodge (Historic Resources in Missoula, 1864-1940, MRA), 120-136 E. Broadway Ave., Missoula, 90000649

Missoula Laundry Company (Historic Resources in Missoula, 1864-1940, MRA), 111 E. Spruce St., Missoula, 90000651

Missoula Mercantile (Historic Resources in Missoula, 1864-1940, MRA), 114 N. Higgins Ave., Missoula, 90000647

Model Laundry and Apartments (Historic Resources in Missoula, 1864-1940, MRA), 131 W. Alder St., Missoula, 90000657

Montgomery Ward (Historic Resources in Missoula, 1864-1940, MRA), 201 N. Higgins Ave., Missoula, 90000659

Zip Auto (Historic Resources in Missoula, 1864-1940, MRA), 251 W. Main St., Missoula, 90000658

Rosebud County

Vanado Historic District, US 12, 17 mi. W of Forsyth, Forsyth vicinity, 90000629

NEW JERSEY**Union County**

First Congregation of the Presbyterian Church at Springfield, 201 Morris Ave. and 11-41 Church Mall, Springfield, 90000668

NORTH CAROLINA**Catawba Country**

Balls Creek Campground (Historic & Architectural Resources of Catawba County, N.C.), W side of SR 1003, 0.1 mi. S of SR 1943, Bandy's Crossroads vicinity, 90000662

Bandy Farms Historic District (Historic & Architectural Resources of Catawba County, N.C.), E side of SR 1003, 0.5-0.85 mi. S of SR 1813 jct., Bandy's Crossroads vicinity, 90000663

Moore, Alexander, Farm (Historic & Architectural Resources of Catawba County, N.C.), SR 2646 0.5 mi. NW of SR 1004 jct., Bandy's vicinity, 90000664

Sherrill, Miles Alexander, House (Historic & Architectural Resources of Catawba County, N.C.), W side of SR 1849, 0.1 mi. S of SR 1848 jct., Sherrills Ford vicinity, 90000665

OHIO**Erie County**

Dentzel, William H., ca. 1924 Carousel (Historic Resources of Sandusky, Ohio, MRA), Kiddieland, Cedar Point Amusement Park, Sandusky, 90000625

Dentzel, William H., 1921 Carousel (Historic Resources of Sandusky, Ohio, MRA), Frontiertown, Cedar Point Amusement Park, Sandusky, 90000627

Great American Racing Derby (Historic Resources of Sandusky, Ohio, MRA), Midway, Cedar Point Amusement Park, Sandusky, 90000626

UTAH**Weber County**

Bigelow-Ben Lomond Hotel, 2510 Washington Blvd., Ogden, 90000637

WISCONSIN**Brown County**

Wisconsin State Reformatory, SE corner of Riverside Dr. and SR 172, Allouez, 90000641

Burnett County

Sandrock Cliffs, Address Restricted, St. Croix National Scenic Riverway, 90000632

Milwaukee County

Garden Homes Historic District, Roughly bounded by W. Ruby and N. Teutonia Aves., N. 24th Pl., W. Atkinson Ave. and N. 27th St., Milwaukee, 90000669

Prospect Avenue Apartment Buildings Historic District, N. Prospect Ave. are roughly between E. Kane Pl. and E. Windsor St., Milwaukee, 90000640

Outagamie County

Fox River Paper Company Historic District, 405-406, 415 S. Olde Oneida St., Appleton, 90000639

Washington County

St. Augustine Catholic Church and Cemetery, Co. Hwy. Y 3 mi. S of jct. of Co. Hwy. Y and SR 33, Trenton, 90000638

[FR Doc. 90-7595 Filed 4-2-90; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31619]

Burlington Northern Railroad Co.; Trackage Rights Exemption

Missouri Pacific Railroad Company (MP) has agreed to grant overhead trackage rights to Burlington Northern Railroad Company (BN) over approximately 51.5 miles of track between Kansas City, MO, and Paola, KS. The trackage rights were to become effective on March 23, 1990.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Michael E. Roper, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: March 27, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

**Noreta R. McGee,
Secretary.**

[FR Doc. 90-7607 Filed 4-2-90; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****Manufacturer of Controlled Substances; Registration**

By Notice dated November 17, 1989, and published in the **Federal Register** on December 1, 1989 (54 FR 49822), Dupont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxymorphone (9652)	II
Hydrocodone (9193)	II
Oxycodone (9143)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: March 26, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-7535 Filed 4-2-90; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By notice dated February 13, 1990, and published in the **Federal Register** on February 22, 1990, (55 FR 6325), Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, NJ 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Alphaprodine (9010)	II
Levorphanol (9220)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: March 26, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-7536 Filed 4-2-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of recordkeeping/reporting requirements under review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-1301, Washington, DC 20201. Comments should also be sent to the Office of

Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Departmental Management—Assistant Secretary for Policy Potential Agricultural Worker Survey (PAWS)

Individuals or households; Federal agencies or employees 2,610 respondents; 20 minutes per response; 720 hours; 1 form, The Immigration and Nationality Act (INA) as amended by Immigration Reform and Control Act (IRCA) requires the Department of Labor and the Department of Agriculture to estimate potential additions to the supply of seasonal agricultural service workers from among domestic rural unemployed workers. This survey is to allow such estimates to be made.

Pension and Welfare Benefits

Administration.

Employee Benefit Plan Annual Report (Form 5500).

1210-0016.

Annual.

Businesses or other for-profit; non-profit institutions; small businesses or organizations.

900,000 responses; 1,086,970 hours; 1.2 hours per response; 3 forms.

Section 104(a)(1)(A) of ERISA requires plan administrators to file an annual report containing the information described in section 103 of ERISA. The Form 5500 Series provides a standard format for fulfilling that requirement.

Extension

Departmental Management.

Disclosure of Information to Credit

Reporting Agencies; Administrative Offset; Assessment of Interest, Penalties and Administrative Costs.

1225-0030.

Regulatory.

Requirement	Affected public	Respondents	Frequency	Average time per response
29 CFR 20.7	Individuals or households; farms; businesses or other for-profit; non-profit institutions; small business or organizations.	2000	On occasion	1.75 hours.
29 CFR 20.25	Individuals or households; farms; businesses or other for-profit; non-profit institutions; small businesses or organizations.	500	On occasion	1.75 hours.
29 CFR 20.61	Individuals or households; farms; businesses or other for-profit; non-profit institutions; small businesses or organizations.	1000	On occasion	1.75 hours.

Federal Employees.

12,250 total hours.

Information is collected from debtors to assist in determining whether an individual or organization is actually indebted to the Department of Labor, and if so indebted, to evaluate the individual's or organization's ability to repay the debt.

Mine Safety and Health Administration.
Petitions for Modification of Mandatory Safety Standards.

1219-0065.

On occasion.

Businesses and other for profit; small businesses or organizations.

289 respondents; 40 hours per response; 10,760 total burden hours Provides guidance for mine operators or representatives of miners for filing petitions for modification of mandatory safety standards.

Signed at Washington, DC this 29th day of March, 1990.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 90-7625 Filed 4-2-90; 8:45 am]

BILLING CODE 4510-23-M

Employment and Training Administration

[TA-W-24,001]

Stanley Woolen Co., Berroco Division, Uxbridge, MA

Notice of Termination of Investigation Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 12, 1990 in response to a petition which was filed on February 12, 1990 on behalf of workers and former workers at Stanley Woolen Company, Berroco Division, Uxbridge, Massachusetts. The workers produce woolen yarn.

All workers were separated from Stanley Woolen Company, Berroco Division, Uxbridge, Massachusetts (TA-W-24,001) more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker of whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in

this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 23rd day of March 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-7623 Filed 4-2-90; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90-25]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC), Communications and Information Systems Subcommittee (CISS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee, Communications and Information Systems Subcommittee.

DATES: April 23, 1990, 8:30 a.m. to 5 p.m., and April 24, 1990, 8:30 a.m. to 12 noon.

ADDRESSES: Science Applications International Corporation, 400 Virginia Avenue SW., Suite 810, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT:

Mr. Ray J. Arnold, Code EC, National Aeronautics and Space Administration, Washington, DC 20546, [202/453-1510].

SUPPLEMENTARY INFORMATION: The Space Science and Applications Advisory Committee consults with and advises the NASA Office of Space Science and Applications (OSSA) on long-range plans for, work in progress on, and accomplishments of NASA's Space Science and Applications programs. The Communications and Information Systems Subcommittee provides technical support to the Committee and will conduct ad hoc studies and assessments. The

Subcommittee will meet to review Program Status and Plans, and discuss response to the October Subcommittee Report. The Subcommittee is chaired by Dr. Robert T. Filep and is composed of 7 members. The meeting will be open to the public up to the capacity of the room (approximately 20 people including members of the Subcommittee).

TYPE OF MEETING: Open.**Agenda:**

Monday, April 23

8:30 a.m.—Review Communications and Information Systems Response to the October Subcommittee Report.

9 a.m.—Program Status Summary.

1:15 p.m.—Communications and Information Systems Strategic Planning.

3:15 p.m.—Funding Issues/Budget Priorities.

4:30 p.m.—Writing Assignments.

5 p.m.—Adjourn.

Tuesday, April 24

8:30 a.m.—Communications and Information Systems Response to Subcommittee Writing Sessions.

10:30 a.m.—Subcommittee Discussion.

12 noon—Adjourn.

Dated: March 28, 1990.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 90-7575 Filed 4-2-90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION**Advisory Panel for BBS Research Training Groups; Meeting**

The National Science Foundation announces the following:

Name: Advisory Panel Meeting for BBS Research Training Groups.

Date and time: Thursday, April 19, 1990 from 8:30-6:00; Friday, April 20, 1990 from 8:30-5:00.

Place: Room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Gerald Selzer, Program Director, Special Projects.

Division of Instrumentation and Resources, Room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550, Telephone: (202) 357-9880.

Purpose of advisory panel: To provide advice and recommendations concerning support for training activities in research areas supported by the Biological, Behavioral and Social Sciences Directorate of the National Science Foundation.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 29, 1990.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 90-7609 Filed 4-2-90; 8:45 am]

BILLING CODE 7555-01-M4

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Severe Accidents and Probabilistic Risk Assessment; Meeting

The Subcommittees on Severe Accidents and Probabilistic Risk Assessment will hold a joint meeting on April 18, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 18, 1990—8:30 a.m. until the conclusion of business.

The Subcommittees will continue their discussion of NUREC-1150, "Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as

far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 26, 1990.

Gary R. Quitschreiber,
Chief, Nuclear Reactors Branch.

[FR Doc. 90-7609 Filed 4-2-90; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 5-7, 1990, in Room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the *Federal Register* on March 21, 1990. This revised meeting notice incorporates a session on the NRC Regulatory Impact Survey and reschedules other sessions accordingly.

Thursday, April 5, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 a.m.-8:45 a.m.: Comments by ACRS Chairman (Open)—The ACRS Chairman will comment on items of current interest.

8:45 a.m.-10:45 a.m. Individual Plant Examination for External Events (Open)—The Committee will hear a briefing and discuss a proposed NRC generic letter regarding Individual Plant Examination for External Events.

11 a.m.-12:45 p.m. NRC Severe Accident Research Program Plan (Open)—The Committee will hear a

briefing and discuss the status of work in the NRC Severe Accident Research Program. Representatives of the NRC staff and its contractors will participate, as appropriate.

1:45 p.m.-5 p.m.: Evolutionary Light Water Reactor Certification Issues (Open)—The Committee will hear briefings regarding selected certification issues such as equipment survivability and ABWR containment vent design. Also, the Committee will continue its discussion of a proposed report to the Commission on this matter. Members of the NRC staff will participate, as appropriate.

5 p.m.-6 p.m.: NRC Safety Research Program (Open)—The Committee will discuss a proposed ACRS report on the impact of budgeting on the NRC safety research program.

Friday, April 6, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 A.M.-10:30 a.m.: NRC Regulatory Impact Survey (Open)—A briefing will be given by representatives of the NRC staff regarding the results of discussions with nuclear power plant owners and operators regarding the impact of regulatory requirements on nuclear power plant operations.

10:45 a.m.-11:15 a.m.: Future ACRS Activities (Open)—The Committee will discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

11:15 a.m.-12 Noon: ACRS Subcommittee Activities (Open)—The Committee will hear and discuss reports of ACRS subcommittees regarding the status of designated activities, including containment design criteria for future plants and ACRS consideration of operating nuclear facilities.

1 p.m.-3 p.m.: Nuclear Power Plant License Renewal (Open)—The Committee will hear a briefing and discuss a proposed NRC rule for renewal of nuclear power plant operating licenses. Representatives of the NRC staff will participate, as appropriate.

3 p.m.-3:15 p.m.: Appointment of ACRS Members (Open/Closed)—The Committee will discuss the status of appointment of ACRS members and qualifications of candidates proposed for consideration for ACRS membership.

Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

3:15 p.m.-6:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports to the NRC regarding topics considered during this meeting, including the

evolutionary light water reactor certification issues, IPE for external events, and the NRC safety research program budget.

Saturday, April 7, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, Md. 8:30 a.m.-12 Noon and 1:00 p.m.-3:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports to the NRC regarding topics considered during this meeting, including license renewal for nuclear power plants, the severe accident research program plan, evolutionary LWR certification issues, and the NRC safety research program budget. Procedures for the conduct of and participation in ACRS meetings were published in the *Federal Register* on September 27, 1989 (54 FR 39594). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Public Law 92-463 that it is necessary to close portions of this meeting as noted above to discuss information the release of which would represent to clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492-8049), between 7:45 a.m. and 4:30 p.m.

Dated: March 28, 1990.
 John C. Hoyle,
Advisory Committee Management Officer.
 [FR Doc. 90-7610 Filed 4-2-90; 8:45 am]
 BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Rel. No. 34-27847; March 26, 1990
 [File No. SR-MBSCC-90-01 & SR-BSECC-90-01]

Self-Regulatory Organizations; Notice of Proposed Rule Changes by MBS Clearing Corporation and Boston Stock Exchange Clearing Corporation Relating to Membership in Securities Clearing Group

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 23, 1990, and on March 16, 1990, respectively, the MBS Clearing Corporation ("MBSCC") and Boston Stock Exchange Clearing Corporation ("BSECC") filed with the Securities and Exchange Commission ("Commission") the identical proposed rule changes (File Nos. SR-MBSCC-90-01 and SR-BSECC-90-01) as described in Items I and II below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

As discussed below, the proposed rule changes concern the agreement of MBSCC and BSECC with several other clearing agencies to become members of the Securities Clearing Group ("SCG").¹

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the self-regulatory organizations included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Items IV below. The self-regulatory organizations have prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

¹ For background on SCG, See Securities Exchange Act Release No. 27044 (July 18, 1989), 54 FR 30983.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The proposed rule changes allow MBSCC and BSECC to become members of the SCG. The SCG was formed in 1988 by seven clearing agencies for the purposes of, among other things, (i) creating procedures to minimize risks posed by participants in more than one clearing agency, and (ii) confirming each clearing agency's authority to provide to other SCG members confidential information concerning the financial and operating condition of clearing agency participants that are also participants in other SCG member clearing agencies. The original seven SCG members are: Midwest Securities Trust Company, Midwest Clearing Corporation, Depository Trust Company, National Securities Clearing Corporation, Options Clearing Corporation, Stock Clearing Corporation of Philadelphia and Philadelphia Depository Trust Company. The original SCG agreement sets forth the purposes of the group, the method of participation and relevant legal considerations,² and was approved by the Commission on July 18, 1989.³

At the November 9, 1989, meeting, SCG members unanimously voted to allow BSECC and MBSCC to become parties to the SCG Agreement and members of SCG. The SCG believes that the participation of both MBSCC and BSECC will enhance the goals of the organization by expanding the sources for information sharing, thereby further decreasing risks in the National Clearing and Settlement System. In addition to allowing MBSCC and BSECC participation in the SCG, the amendments to the SCG Agreement also modify the notice provisions as set forth in section 1(A) and (C) of the original SCG Agreement, allowing more efficient handling of such notices by centralizing distribution through the Secretary of the SCG.

The proposed rule changes are consistent with the purposes and requirements of section 17A of the Act, as amended, in that they foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

² See Securities Exchange Act Release No. 27044 (July 18, 1989), 54 FR 30983.

³ See, *supra*, note 1.

(B) Self-Regulatory Organizations' Statement of Burden on Competition

MBSCC and BSECC do not believe that any burdens will be placed on competition as a result of the proposed rule changes.

(C) Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding of (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve the proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection any copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to File Numbers SR-MBSCC-90-01 and SR-BSECC-90-01 and should be submitted by April 24, 1990.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-7544 Filed 4-2-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27849; File No. SR-NYSE-90-12]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Proposed Charges on Multiple Copies of Trading System Information ("Merged Order Report")

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 14, 1990, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE, pursuant to Rule 19b-4 of the Act, submitted a proposed rule change to institute fees, as of March 1, 1990, in connection with providing multiple copies of Exchange trading systems information ("Merged Order Report") information. The Exchange proposes the following charges for machine readable output, hard copy and print image transmission of merged order report information:

Charge Per Copy (other than first copy):¹

Machine Readable Output and Print Image Transmission.	\$3.00/1,000 records.
Hard copy	\$4.50/1,000 lines.

Note: The Exchange estimates that the number of records for a 170 million share day ranges from 0 to 31,000 depending upon the firm.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has

prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose—The purpose of the proposed fees on multiple copies of Merged Order Report information is to offset the costs associated with the production and distribution of this information, and to encourage, when possible, the use of an automated transmission of Merged Order Report information. The proposed fees would be applied to each copy of the information requested by the member or member organization other than the first copy.

2. Statutory Basis—The proposed rule change is consistent with section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing.

¹ Charges are payable monthly.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-90-12 and should be submitted by April 24, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 27, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-7545 Filed 4-2-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27848; File No. SR-PCC-90-01]

Self-Regulatory Organizations; Pacific Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Charge for Manually Processing Master Limited Partnerships

March 27, 1990.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 21, 1990, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR-PCC-90-01) as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposal from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to Rule 19b-4 of the Act, PCC submits this proposed rule change to amend the charge for processing Master Limited Partnerships ("MLP"). Currently, PCC charges eight dollars (\$8) per trade to manually process DTC and/or NSCC ineligible MLPs. PCC proposes

to eliminate this charge, and replace it with a charge of twenty dollars (\$20) per balance order on DTC/NSCC ineligible dually traded issues.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. PCC has prepared summaries, set forth in Section (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Proposed rule change SR-PCC-88-02, filed with the Commission on June 20, 1988, proposed an eight dollar (\$8) per trade charge for MLPs.¹ The charge was part of a broader revision to the PCC and the Pacific Stock Exchange ("PSE") Schedule of Rates and Charges, whereby PCC and PSE sought to cover the cost of its operations. The charge was based on the extra cost of manually processing those trades.

The eight dollar (\$8) charge was implemented in July 1988. Upon subsequent review, it was determined that a charge on balance orders for dually traded DTC and/or NSCC ineligible items would more closely approximate the cost of the physical processing required. Accordingly, it is proposed to eliminate the per trade charge on MLPs, and replace it with a charge on balance orders. A balance order represents a trade that cannot be cleared through a centralized clearing and depository system (e.g., NSCC, DTC), and which must be manually processed by PCC. The proposed fee of twenty dollars (\$20) per balance order for dually traded ineligible items is a more equitable method of paying for the manual processing performed by PCC.

The new fee was proposed by the Equity Concepts and Issues Committee of the PSE, and was discussed at a meeting with specialists in Los Angeles and San Francisco on January 22, 1990. The proposal was subsequently approved by the PCC Board of Directors on March 7, 1990. The proposed rule change is consistent with section 17A of the Act in that it provides an equitable allocation of reasonable dues, fees and

other charges among the members using the facilities of the PCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PCC does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The fee was proposed by the Equity Concepts and Issues Committee, which is composed of five Equity Governors, and attended by PSE staff. The fee was discussed at a meeting of specialists from San Francisco and Los Angeles on January 22, 1990.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed change is effective on filing pursuant to Section 19(b)(3)(A)(ii) of the Act and Rule 19b-4(e) in that it affects reasonable dues, fees and other charges imposed by the PSE among its members. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PCC. All submissions should refer to the file number SR-PCC-90-01 and should be submitted by April 24, 1990.

¹ See Securities Exchange Act Release No. 25895 (July 8, 1988), 53 FR 26917.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-7546 Filed 4-2-90; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations;
Applications for Unlisted Trading
Privileges and of Opportunity for
Hearing; Midwest Stock Exchange;
Incorporated**

March 28, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

North Fork Bancorporation, Inc.
Common Stock, \$2.50 Par Value (File No. 7-5825)

Future Germany Fund, Inc.
Common Stock, \$0.001 Par Value (File No. 7-5826)

Indonesia Fund, Inc.
Common Stock, \$0.001 Par Value (File No. 7-5827)

Real Estate Securities Income Fund
Common Stock, \$0.01 Par Value (File No. 7-5828)

Rhone Poulenc S.A.
American Depository Receipts Preferred A,
No Par Value (File No. 7-5829)

Rhone Poulenc S.A.
American Depository Receipts, Warrants
expiring 12/31/92, No Par Value (File No. 7-5830)

Santa Fe Energy Resources, Inc.
Common Stock, \$0.01 Par Value (File No. 7-5831)

Holman, Inc.
Common Stock, No Par Value (File No. 7-5832)

Lillian Vernon Corporation
Common Stock, \$0.01 Par Value (File No. 7-5833)

Dallas Semiconductor Corporation
Common Stock, \$0.02 Par Value (File No. 7-5834)

Japan OTC Equity Fund, Inc.
Common Stock, \$0.10 Par Value (File No. 7-5835)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 18, 1990, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-7612 Filed 4-2-90; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Notice
of Applications for Unlisted Trading
Privileges and of Opportunity for
Hearing; Pacific Stock Exchange, Inc.**

March 28, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Scudder New Europe Fund, Inc.
Common Stock, \$0.01 Par Value (File No. 7-5816)

Growth Fund of Spain Inc.
Common Stock, \$0.01 Par Value (File No. 7-5817)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 18, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-7613 Filed 4-2-90; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations;
Applications for Unlisted Trading
Privileges and of Opportunity for
Hearing; Philadelphia Stock Exchange,
Incorporated**

March 28, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

American Capital Income Trust
Shares of Beneficial Interest, No par Value
(File No. 7-5818)

Clemente Global Growth Fund, Inc.
Common Stock, \$0.01 Par Value (File No. 7-5819)

Future Germany Fund, Inc.
Common Stock, \$0.001 Par Value (File No. 7-5820)

Japan OTC Equity Fund, Inc.
Common Stock, \$0.10 Par Value (File No. 7-5821)

MuniEnhanced Fund, Inc.
Common Stock, \$0.10 Par Value (File No. 7-5822)

Santa Fe Energy Resources, Inc.
Common Stock, \$0.01 Part Value (File No. 7-5823)

TIS Mortgage Investment Company
Common Stock, \$0.001 Par Value (File No. 7-5824)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 18, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-7614 Filed 4-2-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE**Fine Arts Committee; Meeting**

The Fine Arts Committee of the Department of State will meet on Saturday, April 21, 1990 at 10 a.m. in the John Quincy Adams State Drawing Room. The meeting will last approximately until 11:30 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in September 1989 and the announcement of gifts and loans of furnishings as well as financial contributions for calendar year 1989.

Public access to the Department of State is controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Monday April 16, 1990, telephone (202) 647-1990, to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: March 16, 1990.

Clement E. Conger,

Chairman, Fine Arts Committee.

[FR Doc. 90-7528 Filed 4-2-90; 8:45 am]

BILLING CODE 4710-38-M

[Public Notice 1185]**Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting**

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet April 12, 1990 at NASA Headquarters, 600 Independence Avenue SW., Washington, DC, in Room 521J commencing at 10 a.m.

Study Group 2 deals with matters relating primarily to the space operations and research services and radioastronomy. The purpose of the meeting is to continue U.S. preparations for participation in newly formed international working parties and particularly for the 1992 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to Mr. John Postelle, ARC Professional

Services Group, Herndon, Virginia 22070, phone (703) 834-5607.

Dated: March 14, 1990.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 90-7526 Filed 4-2-90; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 1184]**The U.S. Organization for the International Telegraph and Telephone Consultative Committee CCITT Study Group B; Notice of Meeting**

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 24, 1990 at 9:30 a.m. in room 1207, Department of State, 2201 C Street, NW, Washington, DC.

The agenda for the meeting includes the following:

The Approval of the February 9 and February 28 meeting minutes;

Review results and activities of recent CCITT Study Group XI meeting (March 5-23);

Consider contributions for CCITT Study Group XVIII and others as appropriate for Study Group B;

Other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and individual building passes are required for each attendee. Entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl S. Barbely, State Department, Washington, DC; telephone (202) 647-5220. All attendees must use the C Street entrance to the building.

Dated: March 15, 1990.

Earl S. Barbely,

Office of Telecommunications and Information Standards; Chairman, U.S. CCITT National Committee.

[FR Doc. 90-7529 Filed 4-2-90; 8:45 am]

BILLING CODE 4710-07-M

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Radiocommunications; Notice of Meetings

The Working Group on Radiocommunications of the

Subcommittee on Safety of Life at Sea will conduct open meetings at 0930 on the following dates: April 19, 1990; June 21, 1990; August 16, 1990; September 20, 1990; October 18, 1990; November 15, 1990; and December 20, 1990. These meetings will be held in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590-0001.

The purpose of these meetings is to prepare for the 36th Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications being held the week of December 10, 1990, and for a joint IMO/International Maritime Satellite Organization (INMARSAT) Meeting on Charges and Funding for Maritime Distress and Safety Communications, being held the week of December 3, 1990.

Agenda items include implementation of elements of the Global Maritime Distress and Safety System (GMDSS), establishment of guidelines for the maintenance of shipborne GMDSS equipment, broadcasts of maritime safety information, and development of U.S. positions regarding charges and funding for maritime distress and safety communications. Charges and funding for maritime distress and safety communications will be considered in light of international recommendations and activities, section 359 of the U.S. Communications Act of 1934, as amended, incorporation of INMARSAT ship earth stations by IMO as an element of the GMDSS, and the needs of the U.S. maritime community.

Members of the public may attend these meetings up to the seating capacity of the room.

For further information and meeting room numbers, contact Mr. Ronald J. Grandmaison, U.S. Coast Guard Headquarters (G-TTS-3), 2100 Second Street SW., Washington, DC 20593-0001. Telephone: (202) 267-1389.

Dated: March 7, 1990.

Stephen M. Miller,

Acting Chairman, Shipping Coordinating Committee.

[FR Doc. 90-7525 Filed 4-2-90; 8:45 am]

BILLING CODE 4710-07-M

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Fire Protection; Meeting

The Working Group on Fire Protection of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on May 22, 1990 at 9:30 a.m. in Room 2415 at U.S. Coast Guard

Headquarters, 2100 Second Street SW., Washington, DC.

Working Group on Fire Protection

The purpose of the meeting will be to prepare for the 35th Session of the International Maritime Organization (IMO) Subcommittee on Fire Protection (FP), scheduled for July 2 to 6, 1990. Items of discussion will include the following: Formulation of fire test procedures; analyses of research results in smoke control; analyses of fire casualty records; firefighting systems (review of SOLAS requirements related to the use of halons, fire main and fire pump sizing, and use of Halon 2402); interpretations of and amendments to regulations of SOLAS 74 as approved by the Committee; materials other than steel for pipes; fireprotection systems for passenger ship safety; guidelines for the performance and testing criteria, and surveys of foam concentrates; protection of cargo spaces in non-purpose-built ships in which casks containing irradiated nuclear fuel are stowed; review of ventilation requirements of vehicle decks on ro-ro ships during loading and unloading; vapor emission control systems; provisions for helicopter facilities on ships; international shore connection for fire extinguishing gases; revision of fire protection requirements in the 1977 Torremolinos Convention.

Members of the public may attend up to the seating capacity of the room.

For further information regarding the meeting of the SOLAS Working Group on Fire Protection (May 22, 1990) contact Ms. Marjorie Murtagh at (202) 267-2997, U.S. Coast Guard Headquarters (G-MTH), 2100 Second Street, SW., Washington, DC 20593-0001.

Dated: March 16, 1990.

Thomas J. Wajda,

Chairman, *Shipping Coordinating Committee*.
[FR Doc. 90-7527 Filed 04-02-90; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 89-055]

Study of the Use of Vessel Tonnage in U.S. Laws and Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Coast Guard is conducting a public meeting to present its preliminary results from an ongoing, Congressionally mandated study on the use of vessel tonnage in U.S. laws and regulations. The purpose of the study is

to assess the impacts should Congress decide to eliminate the present regulatory tonnage measurement option for vessels of 79 feet or more in length and to require tonnages determined under the International Convention for Tonnage Measurement of Ships, 1969, (Tonnage Convention) to be used in applying all Federal laws and regulations based on vessel tonnage.

DATES: The public meeting will be held on Thursday, May 3, 1990, from 10 a.m. to 3:30 p.m. Written comments must be received on or before May 14, 1990.

ADDRESSES: The public meeting will be held in Room 2415, U.S. Coast Guard Headquarters Building, 200 Second Street SW., Washington, DC. Written comments should be mailed to the Tonnage Survey Branch (G-MVI-5), Room 1316, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001, (202) 267-2992. Comments should identify this notice (CGD 89-055) and the sector of the maritime community that the person making the comments represents. Between the hours of 8 a.m. and 3 p.m. Monday through Friday, except holidays, written comments may be hand-delivered to, and are available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph T. Lewis, Chief, Tonnage Survey Branch (G-MVI-5), Office of Marine Safety, Security and Environmental Protection, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-2992, between 7:30 a.m. and 3:45 p.m. EST Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Tonnage legislation included in Public Law 99-509 (October 26, 1986) addressed the problem of reconciling Convention tonnage with regulatory laws by instituting the first phase of converting to the Convention system as a basis for implementing tonnage-based laws domestically. It required that all new vessels 79 feet and longer (except for vessels of war and Great Lakes vessels) be Convention measured, authorized the Coast Guard to require Convention measurement to be used for the application of domestic laws (with specific exceptions), and provided that all tonnage based laws that become effective after July 18, 1994, should use Convention measurement for applicability determinations. This law did not impose additional regulatory requirements on existing domestic vessels. In addition, Public Law 99-509 required the Coast Guard to conduct a study of the impact of a conversion to the Convention system for the application of all tonnage-based laws

and regulations and to forward the study, together with its recommendations, to Congress before July 19, 1990.

In conducting the study, the Coast Guard was directed to consult with the private sector likely to be affected by U.S. laws based on tonnage. In the Federal Register on July 21, 1989 (54 FR 30625), the Coast Guard announced that public meetings would be held and solicited written comments in order to assess the impacts should Congress decide to eliminate the present regulatory tonnage measurement option for vessels of 79 feet or more in length and require tonnages determined under the International Convention for Tonnage Measurement of Ships, 1969 (Tonnage Convention) to be used in applying all Federal laws and regulations based on vessel tonnage. In August and September 1989, the Coast Guard held public meetings in Cleveland, OH, Miami, FL, San Diego, CA, Seattle, WA, Boston, MA, and New Orleans, LA, to solicit public input. In addition, the Coast Guard separately requested input from the National Offshore Safety Advisory Committee, the Towing Safety Advisory Committee, the Fishing Vessel Industry Safety Advisory Committee, other Federal agencies, and state authorities. The Coast Guard has evaluated all verbal and written comments received from the public, marine trade organizations, government interests, and Coast Guard advisory groups, as well as comments made at the six public meetings. Before our final study recommendations are formalized for submission to Congress, we are offering the public the opportunity to review and comment on the preliminary results of our evaluations.

Dated: March 30, 1990.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90-7705 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Advisory Circular 20-126A; Aircraft Certification Service Field Office Directory

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of Advisory Circular 20-126A, Aircraft Certification Service Field

Office Directory. Advisory Circular 20-126A advises the general public and industry of the nearest point of contact to obtain information regarding the issuance of type and supplemental type certificates and changes thereto, and the issuance of production and/or airworthiness approvals.

ADDRESSES: Copies of AC 20-126A can be obtained from the following: Federal Aviation Administration, Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

Andy Lown, Aircraft Manufacturing Division, AIR-200, 800 Independence Avenue SW., Washington, DC 20591, (202) 267-9541.

Issued in Washington, DC, on March 21, 1990.

Sandy McClure,
Acting Manager, Aircraft Manufacturing Division.

[FR Doc. 90-7573 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-90-15]

Petitions for Exemption; Summary and Disposition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petition.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: April 23, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 28, 1990.

Denise Donohue Hall,
Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 23653.

Petitioner: University of North Dakota.
Sections of the FAR Affected: 14 CFR part 141, Appendixes A, C, D, F, and H.

Description of Relief Sought: To extend Exemption No. 3825, as amended, that allows aviation students of the petitioner to graduate from the appropriate courses when they have been trained to specific performance standards, rather than the minimum flight time requirements of part 141, subject to certain conditions and limitations. Exemption No. 3825, as amended, will expire on August 31, 1990.

Docket No.: 26067.

Petitioner: SimuFlite Training International Division.

Sections of the FAR Affected: 14 CFR 135.63(a)(4), 135.303, 135.323(a)(1), 135.337(a)(2), 135.337(a)(3), 135.337(b)(2), 135.339(a)(2), and 135.339(c)(1).

Description of Relief Sought: To allow part 135 certificate holders to obtain creditable advanced simulation training and checking from petitioner. An exemption, if granted, would also permit the delivery of that training and checking by petitioner's pilot instructors and pilot check airmen.

Docket No.: 20695.

Petitioner: Cochise Community College.
Sections of the FAR Affected: 14 CFR 141.65.

Description of Relief Sought: To allow petitioner to exercise examining authority for its Flight Instructor Course—Airplane Single Engine.

Docket No.: 26138.

Petitioner: Air Berlin, Inc.

Sections of the FAR Affected: 14 CFR 121.61(a)(1)(2).

Description of Relief Sought: To allow Captain Gilbert Marriner, employed

by the petitioner, to assume the duties of Director of Operations without having the required 3 years of experience.

Docket No.: 26149.

Petitioner: Boeing Commercial Airplanes.

Sections of the FAR Affected: 14 CFR 21.197.

Description of Relief Sought: To allow petitioner to conduct flightcrew training of its flightcrews while operating aircraft under special flight permits issued for the purpose of production flight testing.

Dispositions of Petitions

Docket No.: 25482.

Petitioner: Acme School of Aeronautics.

Regulations Affected: 14 CFR 141.65.

Description of Relief Sought: To extend Exemption No. 4919 that allows petitioner to exercise examining authority for the flight instructor and airline transport pilot written tests.

Grant, March 21, 1990. Exemption No. 4919A

Docket No.: 25577.

Petitioner: Lake Union Air Services, Inc.

Sections of the FAR Affected: 14 CFR 135.203(a)(1).

Description of Relief Sought: To extend Exemption No. 4953 that allows petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace.

Grant, March 19, 1990. Exemption No. 4953A

Docket No.: 26011.

Petitioner: Memphis Airships.

Sections of the FAR Affected: 14 CFR 61.135(b)(2) and (c).

Description of Relief Sought/

Disposition: To allow pilots trained by petitioner to obtain commercial pilot, lighter-than-air airship ratings without those pilots meeting the pilot experience requirements of 10 hours of night flight time in airships and 10 hours of instrument flight time in airships.

Grant, March 20, 1990. Exemption No. 5164

Docket No.: 26086.

Petitioner: Project Orbis, Inc.

Sections of the FAR Affected: 14 CFR 91.303.

Description of Relief Sought: To allow petitioner to operate a noncomplying Stage 1 four-engine turbojet aircraft for two operations to get its medical staff back to the United States for a rest period, to replenish medical and technical supplies, and to exhibit the Project Orbis flying eye hospital at an air and space show.

Grant, March 21, 1990. Exemption No. 5165

Docket No.: 26094.

Petitioner: United Express.

Sections of the FAR Affected: 14 CFR 337(b)(1-8).

Description of Relief Sought/

Disposition: To allow petitioner to operate five Short Brothers Model SD 3-60 aircraft that are not equipped with permanently installed cockpit oxygen systems. *Withdrawn, March 12, 1990*

Docket No.: 020NM.

Petitioner: Gulfstream Aerospace Corporation.

Sections of the FAR Affected: 14 CFR 25.132(b)(3).

Description of Relief Sought: To permit certification of an Intercontinental Dynamics Corporation (IDC) vertical scale, vertical speed indicator (VSI) between the altimeter and the attitude indicator on the pilot's (left) instrument panel only, on six Gulfstream III airplanes used in part 91 operations. *Grant, March 14, 1990. Exemption No. 5162.*

[FR Doc. 90-7572 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

[Notice No. 1]

Proposed Establishment of a Federally Funded Research and Development Center (FFRDC)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: Federal Aviation

Administration (FAA) announces its intentions to establish a Federally Funded Research and Development Center (FFRDC) through the sponsorship of a not-for-profit entity of the MITRE Corporation. The FFRDC will be established in compliance with guidance of the Office of Federal Procurement Policy Letter No. 84-1 and the Federal Acquisition Regulation. The FFRDC activity will be supported through the FAA's current contract with the MITRE Corporation. The scope of the FFRDC effort will be governed by a Memorandum of Agreement and will include, as a minimum, support to: (1) The validation of proposed National Airspace System (NAS) operational requirements by the development of operational concepts and by the assessment of alternative feasible, technological approaches to meeting proposed requirements in cost-effective ways; (2) the conduct of analyses of the operations of the current and eventual system plans, with special emphasis on the detailed operational implications of the various incremental steps in the transition to the eventual system; (3) the conceptual formulation, feasibility

determination, and prototype development of enhancements to the Air Traffic Control (ATC) System; (4) the conduct of engineering studies and ATC performance/capacity analyses during the development and acquisition phases of NAS hardware and software subsystems to determine the operational acceptability of contractor-proposed designs; (5) the development of operational test and interface requirements and the evaluation of test results to assure the operational acceptability of each phase of the ATC system, as it is augmented by developed subsystems; and (6) the periodic analysis and reporting on the effectiveness, efficiency, and safety of the operational ATC system.

DATES: Comments on this action must be received within 30 days after publication of this notice to be considered.

ADDRESSES: Comments may be mailed to the Federal Aviation Administration, NAS Program Management Branch, ASE-120, Room 721, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Frengs, Technical Officer, 202-267-3026 or Brian Isham, Contracting Officer, 202-267-8987.

SUPPLEMENTARY INFORMATION: This notice is not a request for competitive proposals or statement of capabilities. This is the first of three announcements as per the guidance of OFPP Policy Letter No. 84-1.

Joseph M. Del Balzo,
Executive Director for System Development.

[FR Doc. 90-7571 Filed 4-2-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6)

who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before May 3, 1990.

Dated: March 22, 1990.

By direction of the Secretary.

Frank E. Lalley,

Acting Director, Office of Information Resources Policies.

Extension

1. Veterans Benefits Administration.
2. Electrical Systems Inspection Report (Manufactured Home).
3. VA Form 26-8731b.
4. This form is completed by inspectors to record findings for electrical systems of used manufactured homes proposed as security for guaranteed loans. The information collected is used to determine acceptability of units for VA financing.

5. On occasion.

6. Individuals or households; Businesses or other for-profit; and Small businesses or organizations.

7. 350 responses.

8. 2 hours.

9. Not applicable.

[FR Doc. 90-7621 Filed 4-2-90; 8:45 am]

BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (203C), Department of

Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 728 Jackson Place, NW., Washington, DC 20503, (202) 395-7316. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before May 3, 1990.

Dated: March 22, 1990.

By direction of the Secretary.

Frank E. Lalley,

Acting Director, Office of Information Resources Policies.

Revision

1. Veterans Benefits Administration.
2. Claim Under Loan Guaranty.
3. VA Form 26-1874.
4. This form is used by lenders and holders of VA guaranteed home loans as the notification to VA of default on such loans. The information obtained is essential to VA determinations concerning the amount owed the holder under the guaranty.
5. On occasion.
6. Businesses or other for-profit and Small businesses or organizations.
7. 42,070 responses.
8. 1 hour.
9. Not applicable.

[FIR Doc. 90-7515 Filed 4-2-90; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 28, 1990.

TIME AND DATE: 10:00 a.m., Wednesday, April 4, 1990.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Green River Coal Company*, Docket No. KENT 88-152. (Issued include whether the judge erred in vacating a citation issued for alleged failure to comply with notice to provide safeguards based on criteria in 30 CFR 75.1403-5(g).)

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653-5629/(202) 708-9300 for TDD Relay 1-800-877-8339 (Toll Free).

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 90-7713 Filed 3-30-90; 11:32 am]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, April 9, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded

announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 30, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-7758 Filed 3-30-90; 3:45 am]

BILLING CODE 6210-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-90-06]

TIME AND DATE: Tuesday, April 10, 1990 at 4:30 p.m.

PLACE: Room 101, 500 E Street, S.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and Complaints.
5. Inv. Nos. 701-TA-302 (P) and 731-TA-454 (P) (Fresh and Chilled Atlantic Salmon from Norway)—briefing and vote.
6. Inv. No. 731-TA-453 (P) (Electromechanical Digital Counters from Brazil)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Dated: March 29, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-7746 Filed 3-30-90; 11:32 pm]

BILLING CODE 7020-02-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Change in Time of Meeting

The previously announced closed meeting (Federal Register, Vol. 55, No. 58, page 11108, March 26, 1990) of the National Credit Union Administration scheduled for 9:30 a.m., Thursday, March 29, 1990, was changed to 9:00 a.m., Thursday, March 29, 1990.

Earlier announcement of this change was not possible.

The previously announced item was:

1. Personnel Actions. Closed pursuant to exemptions (2) and (6).

The meeting started at 9:06 a.m. in the Chairman's Office at 1776 G Street, N.W., Washington, D.C.

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FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 90-7727 Filed 3-30-90; 2:28 pm]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of April 2, 9, 16, and 23, 1990.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of April 2

Tuesday, April 3

8:30 a.m.

Collegial Discussion of Items of Commissioner Interest (Public Meeting)

2:00 p.m.

Briefing on Economic Incentive Regulation of Nuclear Power Plants (Public Meeting)

Thursday, April 5

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Decision on Certified Ruling in ALAB-919 (Tentative)

b. Public Comments Received Concerning the Enforcement Policy Revision Involving Maintenance-Related Root Cause (Tentative)

Week of April 9—Tentative

Friday, April 13

10:00 a.m.

Briefing on Risk Based Technical Specifications Program (Public Meeting)

11:00 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 16—Tentative

Monday, April 16

10:00 a.m.

Briefing on Emergency Planning Rule Change for Standardized Plants (Part 52) (Public Meeting)

2:00 p.m.

Briefing on Status of Nine Mile Point 1 Restart (Public Meeting)

Thursday, April 19

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 23—Tentative

Thursday, April 26

2:00 p.m.

Briefing on Containment Performance Improvement Program (Other Than Mark I) (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, April 27

9:00 a.m.
Briefing on Evolutionary Light Water Reactor Certification Issues and Related Regulatory Requirements (Public Meeting)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETING CALL (RECORDING): (301) 492-0292

CONTACT PERSON FOR MORE INFORMATION:

William Hill (301) 492-1661.

Dated: March 29, 1990.
William M. Hill, Jr.,
Office of the Secretary.
[FR Doc. 90-7746 Filed 3-30-90; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of April 2, 1990.

A closed meeting will be held on Tuesday, April 3, 1990, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10),

permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 3, 1990, at 2:30 p.m., will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive action.

Settlement of administrative proceedings of an enforcement nature.

Report of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Barbara Green at (202) 272-2000.

Dated: March 28, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-7679 Filed 3-29-90; 4:21 pm]

BILLING CODE 8010-01-M

Corrections

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Correction

In the correction to notice document 90-5082, published at 55 FR 10142, Monday, March 19, 1990, item 2 should have read as follows:

2. On page 8164, in the third column, in the ninth line "⁴⁰Ar-³⁹Ar" should read "⁴⁰Ar-³⁹Ar".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 900102-0002]

RIN No. 0693-AA80

Proposed Revision of Federal Information Processing Standard (FIPS) 120, Graphical Kernel System (GKS)

Correction

In notice document 90-6311 beginning on page 10273 in the issue of Tuesday, March 20, 1990, make the following corrections:

1. The docket number is corrected to read as set forth above.
2. On page 10273, in the second column, the fifteenth line from the bottom should read "(ANSI X3.124.1-1985); the Pascal".
3. On page 10275, in the first column, the seventeenth line from the bottom should read "tests for additional language bindings."

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-3706-1]

RIN 2060-AC68

National Emission Standards for Hazardous Air Pollutants; Benzene Emissions From Chemical Manufacturing Process Vents, Industrial Solvent Use, Benzene Waste Operations, Benzene Transfer Operations, and Gasoline Marketing System

Correction

In rule document 90-4914 beginning on page 8292 in the issue of Wednesday, March 7, 1990, make the following corrections:

1. On page 8341, in the first column, in the second line from the bottom, "61.8" should read "61.18".

§ 61.304 [Corrected]

2. On page 8344, in the first column, in § 61.304(a), in the second line "§ 61.30.2(b)" should read "§ 61.302(b)".

3. On the same page, in the same section, in the second column, immediately following paragraph (a)(5), in the first line of the equation remove the subscript "L".

§ 61.341 [Corrected]

4. On page 8347, in the second column, in the definition of "Individual drain system" in the seventh line insert "with" after "together".

5. On the same page, in the third column, in the definition of "Process wastewater", in the second line "come" should read "comes".

§ 61.349 [Corrected]

6. On page 8352, in the first column, in § 61.349(a)(1)(ii), in the fifth line "event" should read "vent".

§ 61.355 [Corrected]

7. On page 8353, in the third column, in § 61.355(a)(1), in the second line from the bottom the paragraph designated "(1)" should read "(i)".

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8. On page 8354, in the first column, in § 61.355(a)(4)(ii), in the third line insert "and" after "year".

9. On page 8355, in the first column, in § 61.355(d), in the seventh line "existing" should read "existing".

10. On page 8356, in the first column, in the first equation following § 61.355(f)(4)(iv) "FT" should read "/T".

§ 61.356 [Corrected]

11. On page 8358, in the third column, in § 61.356(g), in the fifth line "of" should read "or".

12. On page 8359, in the first column, in § 61.356(j), in the sixth line insert (1) preceding the word "Dates".

13. On the same page, in the second column, in § 61.356(j)(8), in the fourth and fifth lines remove "shall maintain continuous records of the parameters selected".

§ 61.357 [Corrected]

14. On page 8360, in the second column, in § 61.357(d)(4), in the first line "complys" should read "complies".

15. The file line at the end of the document, on page 8361, is corrected to read:

[FR Doc. 90-4914 Filed 3-1-90; 3:53 pm]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90E-0038]

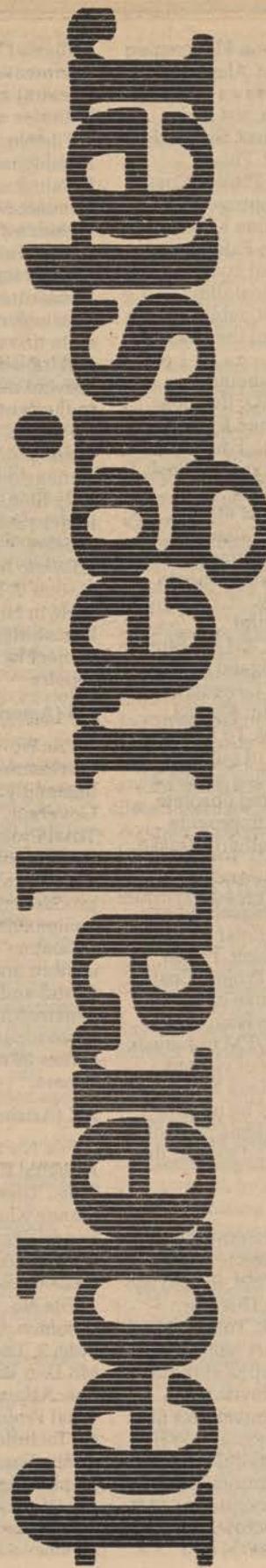
Determination of Regulatory Review Period for Purposes of Patent Extension; Dormosedan®

Correction

In notice document 90-5935 beginning on page 9773 in the issue of Thursday, March 15, 1990, make the following correction:

On page 9773, in the second column, in the first complete paragraph, in the sixth line insert "test" after "effects".

BILLING CODE 1505-01-D



**Tuesday
April 3, 1990**

Part II

**Department of
Commerce**

**National Telecommunications and
Information Service**

**Grants for Planning and Construction of
Public Telecommunications Facilities;
Acceptance of Applications for Filing;
Notice**

DEPARTMENT OF COMMERCE**National Telecommunications and Information Administration****Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing****I. New Applications and Major Amendments to Deferred Applications**

Notice is hereby given that the following described applications for Federal financial assistance are accepted for filing under provisions title III, part IV, of the Communications Act of 1934, as amended (47 U.S.C. 399-94) and in accordance with 15 CFR part 2301. All of the applications listed in this section were received by January 17, 1990. The effective date of acceptance of these proposals, unless otherwise indicated herein, is "Date Received". Applications are listed by their State.

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provision of either the Act or 15 CFR part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not ensure that an application will be funded; it merely qualifies that application to compete for funding with other applications which have also been accepted for filing.

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. Such comments must contain a certification that a copy of the comments has been delivered to the applicant. Comments must be sent to the address listed in 15 CFR 2301.5(a).

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

Scott Mason,

Chief, Management Branch.

AK (Alaska)

File No. 90085 CRB Gwandak Public Broadcasting, Inc. East 3rd Avenue, Fort Yukon, AK 99740. Signed By: Mr. Barry Wallis, President. Funds Requested: \$242,087. Total Project Cost: \$322,783. To establish a noncommercial AM station operating on 900 kHz, in Fort Yukon, AK to provide first public radio service to

2,000 residents of the Yukon Flats region of the northeast interior of Alaska.

File No. 90116 CRB Narrows Broadcasting Corporation, 404 2nd Street, Petersburg, AK 99833. Signed By: Mr. Rick Braun, President. Funds Requested: \$24,412. Total Project Cost: \$38,565. To extend and improve the signal of public radio station KFSK-FM operating on 100.9 MHz in Petersburg, AK by installing additional studio production facilities and installing two translators to provide first public radio service to 1100 residents of the Alaska panhandle.

File No. 90260 CRB Talkeetna Community Radio, Inc., P.O. Box 300, Talkeetna, AK 99676. Signed By: Mr. Krista Maciolek, President. Funds Requested: \$86,799. Total Project Cost: \$127,629. To establish a 1 kw noncommercial FM repeater station, operating on 88.5 MHz in Talkeetna, AK to provide first local origination service to 1,565 residents of the remote areas southeast of Mt. McKinley.

File No. 90285 CRB Capital Community Broadcasting, 224 4th Street, Juneau, AK 99801-1198. Signed By: Mr. Peter A. Frid, President & General Manager. Funds Requested: \$39,989. Total Project Cost: \$54,039. To improve the production capability of public radio station KTOO-FM, operating on 104.3 MHz in Juneau, by replacing obsolete studio equipment needed to provide programming to 33,000 southern Alaska residents.

File No. 90289 PTB Capital Community Broadcasting, 224 Fourth Street, Juneau, AK 99801. Signed By: Mr. Peter A. Frid, President & General Manager. Funds Requested: \$52,100. Total Project Cost: \$52,100. To plan for the move of the transmitters of public television and radio stations, KTOO-TV/FM in Juneau, by conducting an analysis of various alternative sites in the Juneau area. The results of this study would be used to reduce the multipath problems present in the local service area and extend the signals to more residents.

AL (Alabama)

File No. 90069 CTB Alabama ETV Commission, 2112 11th Avenue South, S-400, Birmingham, AL 35256. Signed By: Ms. Judy Stone, Executive Director. Funds Requested: \$791,950. Total Project Cost: \$1,583,900. To support replacement of basic equipment at existing stations of the Alabama Public Television Network, including (1) a transmitter at WDIQ (Dozier); (2) an antenna at WHIQ (Huntsville); (3) video demodulators at 7 stations; (4) frequency monitors at 4 stations; (5) audio/video monitoring at 9 stations; (6) a two-way microwave link between WAIQ (Montgomery) and

Auburn; (7) and a southbound microwave link between WCIQ (Mt. Cheaha) and Auburn, as well as various batteries and battery chargers.

File No. 90194 CRB Univ. of Alabama, Birmingham, 1028 7th Avenue South, Birmingham, AL 35294. Signed By: Dr. Kenneth M. Pruitt, Assoc. Vice-President/Research. Funds Requested: \$6,000. Total Project Cost: \$8,000. To support improvement of WBHM-FM's transmitter and antenna system in Birmingham, AL, by purchasing a solid state driver for the transmitter and making adjustments to the antenna (to prevent null fields from falling too close to the center of radiation).

File No. 90279 CRB Alabama ETV Commission, 2112 11th Avenue, South, Birmingham, AL 35256. Signed By: Ms. Judy Stone, Executive Director. Funds Requested: \$35,000. Total Project Cost: \$70,000. To support replacement of an obsolete transmitter at public radio station WLRH-FM, operating at 89.3 MHz in Huntsville. The present transmitter is thirteen years old and subject to frequent breakdowns and repairs.

AS (American Samoa)

File No. 90288 CTB American Samoa Government, Pago Pago, AS 96799. Signed By: Mr. Peter T. Coleman, Governor. Funds Requested: \$367,993. Total Project Cost: \$367,993. To improve the facilities of KVZK-TV, Channel 2, in Pago Pago by replacing obsolete production and master control equipment. The project will also reduce "ghosting" due to rugged terrain on the eastern and western ends of Tutuila Island and extend service by constructing two translators to rebroadcast the KVZK signal. KVZK serves 39,000 residents of American Samoa.

AZ (Arizona)

File No. 90074 CTB University of Arizona, KUAT-TV, Modern Languages Bldg., Tucson, AZ 85721. Signed By: Ms. Jeanne Kleespie, Contracting Officer. Funds Requested: \$47,262. Total Project Cost: KUAT-TV serves approximately 906,000 residents in its coverage area.

File No. 90232 CRB Maricopa County Commun. College, 4228 E. Grant Road, Bldg. 2, Tucson, AZ 85712. Signed By: Mr. Dan Whittemore, Vice-Chancellor, Bus. Affairs. Funds Requested: \$12,050. Total Project Cost: \$24,100. To improve the facilities of the radio reading service of Sun Sounds of Arizona/Tucson by purchasing a new master control console. The reading service utilized the subcarrier of KUAT-FM and provides service to approximately 4,000 print-

handicapped persons. New console will improve broadcast quality/reliability, increase production of local programming and allow increased automation.

File No. 90250 CRB University of Arizona, University of Arizona, Tucson, AZ 85721. Signed By: Mrs. Jeanne Kleespie, Contracting Officer. Funds Requested: \$8,242. Total Project Cost: \$10,990. To activate two public radio translators: one in Bisbee-Douglas (on 89.7 MHz) and one in Nogales (on 89.7 MHz). New translators will provide first public radio FM service to approximately 35,895 residents. Stations will rebroadcast the signal of KUAT-FM in Tucson.

File No. 90251 CRTB University of Arizona, University of Arizona, Tucson, AZ 85721. Signed By: Ms. Jeanne Kleespie, Contracting Officer. Funds Requested: \$28,513. Total Project Cost: \$57,027. To improve the public broadcast stations by replacing and consolidating their remote control and monitoring equipment. The proposal would consolidate the remote control and monitoring of the TV, AM, FM, and associated translators of the university. The public stations serve approximately 906,000 residents within their service areas. Consolidation of the remote control and monitoring functions would improve the efficiency of the operations.

File No. 90256 CRB Foundation for Creative Broadcasting, 220 South Fourth Avenue, Tucson, AZ 85701. Signed By: Mr. Paul Bear, Executive Director. Funds Requested: \$64,000. Total Project Cost: \$128,000. To improve public radio station KXCI-FM, 91.7 MHz, in Tucson by purchasing additional origination and test equipment. Equipment would be used in on-air control room, production control and associated studios. Among the items requested are two audio consoles, reel-to-reel recorders, cart machines, microphones, turntables and related.

CA (California)

File No. 90028 CRB Redwood Empire Public TV, Inc., 7246 Humboldt Hill Road, Eureka, CA 95502-0013. Signed By: Ms. Patty Kay, President. Funds Requested: \$390,146. Total Project Cost: \$520,195. To upgrade to production capabilities of public television station KEET-TV in Eureka by replacing obsolete master control and engineering equipment needed to deliver programming to 115,000 residents of northern California and Southern Oregon.

File No. 90080 CRB California State University, Chico, West 1st & Normal Streets, Chico, CA 95929. Signed By: Ms. Elaine G. Wangberg, Research Officer.

Funds Requested: \$137,327. Total Project Cost: \$305,170. To extend the signal of public radio station KCHO-FM, operating on 91.7 MHz in Chico, by constructing a five site translator network originating from a repeater station operating on 89.9 MHz from Redding. The network will provide service to Redding as well as Siskiyou, Lassen and Tehama Counties.

File No. 90108 CRB San Jose State Univ. Foundation, One Washington Square, San Jose, CA 95192-0139. Signed By: Ms. Serena Stanford, AAVP Grad. Studies & Research. Funds Requested: \$39,684. Total Project Cost: \$79,684. To improve the production capability of public radio station KSJS-FM, operating on 90.7 MHz in San Jose, by installing additional studio by installing equipment needed to deliver programming to residents of the Clara Valley.

File No. 90122 CRB Lassen Friends of Public Radio, 133 S. Fairfield Street, Susanville, CA 96130. Signed By: Ms. Merle Anderson, Treasurer/Project Coordinator. Funds Requested: \$7,105. Total Project Cost: \$9,473. To extend the signal of public radio station KUNR-FM, operating on 88.7 MHz in Reno, NV, by constructing a translator in Susanville, CA, to provide first public radio service to 14,500 residents of Lassen County.

File No. 90124 CTB Rural Cal. Broadcasting Corp., 5850 Labath Avenue, Rohnert Park, CA 94928. Signed By: Mr. Leroy Lounibos, President, Board of Directors. Funds Requested: \$125,943. Total Project Cost: television station KRCB-TV, Channel 22 in Rohnert Park, by replacing obsolete apparatus needed to bring programming to the residents of the Napa Valley.

File No. 90127 CRB Cal. State Univ., Sacramento, 3416 American River Dr. Suite B, Sacramento, CA 95804. Signed By: Mr. Phil Corriveau, General Manager. Funds Requested: \$62,973. Total Project Cost: \$83,965. To extend the signal of public radio station KXPR-FM, operating on 90.9 MHz in Sacramento, by constructing a 8.9 kw repeater station in Groveland to provide a first public radio service to 45,747 residents of Tuolumne and Mariposa counties.

File No. 90146 PTN ICON, Incorporated, 408 So. Gless Street, Los Angeles, CA 90033. Signed By: Mr. George Campos, Director. Funds Requested: \$0. Total Project Cost: \$1,322,714.

File No. 90152 CTB KQED, Inc., 500 Eighth Street, San Francisco, CA 94103. Signed By: Mr. Eugene S. Zastrow, Executive Vice President. Funds Requested: \$442,338. Total Project Cost: \$884,676. To upgrade the transmission

and production capability of public television station KQED-TV, operating on Channels 9 and 32, San Francisco, by replacing obsolete routing, master control and post production facilities needed to provide programming to the residents of the San Francisco Bay area.

File No. 90156 CTB Community TV of Southern CA, 4401 Sunset Blvd., Los Angeles, CA 90027. Signed By: Mr. Donald G. Youpa, Executive Vice President. Funds Requested: \$444,527. Total Project Cost: \$889,054. To improve the production and transmission capability of public television station KCET-TV, operating on Channel 28 in Los Angeles, by replacing two Santa Barbara translators and replacing production equipment used to support the development of local and national programming.

File No. 90185 CRB KPFA-FM & KPFB-FM Radio, 2207 Shattuck Avenue, Berkeley, CA 94704. Signed By: Ms. Patricia Scott, General Manager. To upgrade the transmission and production capabilities of public radio station KPFA-FM, operating on 94.1 MHz in Berkeley, by replacing a 41 year old repeater transmitter of KPFB-FM and replacing obsolete and aging production, master control and STL equipment to be installed in a new building.

File No. 90187 CTB San Diego State Univ. Foundation, 5164 College Avenue, San Diego, CA 92182-0527. Signed By: Mr. Arthur W. Schatz, Asst. Dean, Grad Div. & Res. Funds Requested: \$360,495. Total Project Cost: \$720,990. To improve the production and transmission facilities of public television station KPBS-TV, Channel 15 in San Diego, by installing additional studio control and editing facilities needed to provide programming to the residents of San Diego.

File No. 90281 CTB Coast Community College District, 15751 Gothard Street, Huntington Beach, CA 92647. Signed By: Mr. William A. Furniss, President. Funds Requested: \$962,403. Total Project Cost: KOCE-TV, Channel 50, in Huntington Beach by replacing a 25 year old transmitter and antenna system needed to provide programming to the residents of the Los Angeles area.

CO (Colorado)

File No. 90017 CRB San Miguel Educ. Fund, Inc., Box 1069, 207 North Pine, Telluride, CO 81435. Signed By: Mr. Jerry Greene, Executive Director. Funds Requested: \$42,675. Total Project Cost: \$56,900. To replace worn-out and malfunctioning transmission equipment at noncommercial radio station KOTO-FM, which operates on 91.7 MHz in

Telluride. The project will increase the station's ERP from 280 w to 3 kw and will enable its signal to reach an additional 1200 residents of the San Miguel County region of southwest Colorado. The project will purchase a transmitter, antenna, transmission line, and STL.

File No. 90058 CTN Pikes Peak Community College, 5675 South Academy Boulevard, Colorado Springs, CO 80906-5498. Signed By: Dr. Marijane Axtell Paulsen, President. Funds Requested: \$740,380. Total Project Cost: \$1,000,859. To construct a four channel ITFS system that would serve the educational and training needs of secondary school districts, rural populations, military installations and business and industry at ten receive sites in a three county area adjacent to Colorado Springs.

File No. 90135 CRB Carbondale Commun. Access Radio, 417 Main Street, Carbondale, CO 81623. Signed By: Ms. Julie Ross, Station Manager. Funds Requested: \$41,201. Total Project Cost: \$54,935. To replace and relocate worn-out and malfunctioning transmitting equipment at noncommercial radio station KDNK-FM, which operates on 90.5 MHz in Carbondale. The project will enable the station to triple its primary coverage area and to reach 10,000 unserved new listeners. The project also includes production equipment for the KDNK-FM studio.

File No. 90158 CTB Front Range Educ. Media Corp., 1531 Stout Street, Denver, CO 80202. Signed By: Mr. Ted Krichels, General Manager. Funds Requested: \$470,786. Total Project Cost: \$627,714. To augment and improve the transmission and origination facilities of noncommercial TV station KBDI-TV, operating on Channel 12 in Denver, by relocating the main transmitter site, adding a new antenna, diplexer and redundant STL, and replacing obsolete master control and studio production facilities.

File No. 90191 CRB North Fork Valley Pub Radio, Inc., 213 Grand Ave., P.O. Box 538, Paonia, CO 81428. Signed By: Mr. Paul Sarnstrom, President. Funds Requested: \$50,037. Total Project Cost: \$66,718. To replace unsatisfactory transmission equipment at noncommercial radio station KVNF-FM, which operates on 90.9 MHz in Paonia. The project would also construct an FM translator at Lake City and provide new studio equipment for the KVNF-FM facility in Paonia.

File No. 90224 CTB University of Southern Colorado, 2200 Bonforte Boulevard, Pueblo, CO 81001-4901. Signed By: Dr. Robert C. Shirley, President, U. of So. Colorado. Funds

Requested: \$467,416. Total Project Cost: \$649,889. To relocate the main transmitter of noncommercial station KTSC-TV Channel 8, Pueblo, in order to provide noncommercial television service to the Colorado Springs market.

File No. 90261 CTB Council for Public TV, Ch. 6, Inc., 1261 Glenarm Place, Denver, CO 80204. Signed By: Mr. Donald D. Johnson, President. Funds Requested: \$823,839. Total Project Cost: \$1,098,452. To improve and extend the transmission capabilities of public television station KRMA-TV operating on Channel 6 in Denver by replacing a worn transmitter and antenna system.

File No. 90284 CRB Boulder Cmnty Brdcst Assoc., Inc., 1900 Folsom Street, Boulder, CO 80302. Signed By: Ms. Marty Durlin, Station Manager. Funds Requested: \$22,105. Total Project Cost: \$29,475. To upgrade and improve the transmission and production facilities of noncommercial radio station KGNU-FM operating on 88.5 MHz in Boulder by replacing an obsolete and malfunctioning STL and exciter, as well as studio production equipment.

File No. 90287 CTB Region 10 League for Econ. Asst., 301 N. Cascade, P.O. Box 849, Montrose, CO 81402. Signed By: Mr. James H. Starr, Chairman of the Board. Funds Requested: \$910,347. Total Project Cost: \$1,213,796. To establish a video production studio at the offices of the Region 10 League for Economic Assistance and Planning, Inc. in Montrose that would provide a first noncommercial local origination capacity to the area (and a second origination point for public station KTSC-TV in Pueblo), thereby serving over 162,000 residents of western Colorado with a first or improved signal. The project would also construct a microwave relay system to carry the Montrose signal east to KTSC-TV/Pueblo.

CT (Connecticut)

File No. 90079 CTB Connecticut Pub. Broadcstg. Corp., 240 New Britain Avenue, Hartford, CT 06106-0240. Signed By: Mr. Jerry Franklin, President. Funds Requested: \$228,683. Total Project Cost: \$457,367. To improve the origination and transmission capabilities of public television station WEDH-TV operating on Channel 24 in Hartford by replacing worn-out and obsolete master control switching, monitoring, processing, character generation and slide storage equipment. The project would also replace unreliable audio console and audio tape equipment, and add dissemination equipment to enable WEDH-TV to carry a Descriptive Video Service for the vision impaired.

File No. 90153 CRB Connecticut Radio Info. Service, 589 Jordan Lane, Wethersfield, CT 06109-1041. Signed By: Mr. David W. Judy, Executive Director. Funds Requested: \$80,731. Total Project Cost: \$126,216. To improve and extend the SCA Connecticut Radio Information Service for vision impaired residents by replacing obsolete equipment at the Wethersfield and Trumbull studios, by constructing a studio site at Storrs, by constructing microwave links to CATV headends that will be carrying the CRIS signal, and by purchasing various test equipment items.

File No. 90207 CRB Sacred Heart University, 5151 Park Avenue, Fairfield, CT 06432-1000. Signed By: Dr. Anthony J. Cernera, President. Funds Requested: \$487,204. Total Project Cost: \$649,606. To activate two new full service noncommercial FM radio stations with local origination capacity at Noyack, NY (88.3 MHz) and Shirley, NY (88.3 MHz) that would bring first service public radio to 450,000 presently unserved Suffolk County residents on Long Island. The project would also construct a microwave interconnection between the proposed Noyack and Shirley stations and existing WSHU-FM studios in Fairfield and Port Jefferson.

DC (District of Columbia)

File No. 90096 CTN George Washington University, 2121 I Street, NW., Washington, DC 20052. Signed By: Ms. Helen Spencer, Director, Sponsored Research. Funds Requested: \$131,775. Total Project Cost: the main campus of the George Washington University and the Tidewater extension campus in Hampton VA, in order to extend the range and scope of GWU's present ITFS classes. The proposed link will be used for two-way videoconferencing and data transmission.

FL (Florida)

File No. 90014 CRB University of Florida, 219 Grinter Hall, Gainesville, FL 32611. Signed By: Mr. Dillard C. Marshall, Asst. Director of Research. Funds Requested: \$360,240. Total Project Cost: \$72,048. To support replacement of WUFT-FM's tower lighting system. The present system is deteriorating, and due to the proximity of the Gainesville Regional Airport, the lighting system must be replaced by a reliable strobe system, as recommended by the Federal Aviation Administration.

File No. 90035 CRB South Florida Public T/C, Inc., 505 S. Congress Ave., P.O. 6607, Boynton Beach, FL 33444. Signed By: Mr. Sam J. Barbaro, President and General Manager. Funds Requested: \$128,581. Total Project Cost: \$257,162. To

support replacement of the antenna for public radio station WXEL-FM, operating at 90.7 MHz and serving more than 2 million residents of the south-central east coast region of Florida. The present signal is inconsistent for a majority of the listeners in the coverage area; replacement of the antenna with one of improved design, changing its physical location on the tower, and adding necessary transmission equipment will improve this signal distortion.

File No. 90039 CTB Cmty. TV Found. of South FL, Inc. 14901 NE Sesame St. (20th Ave.), Miami, FL 33181. Signed By: Mr. Stephen L. Rogers, Sr. V.P. and General Manager. Funds Requested: \$461,878. Total Project Cost: \$923,756. To support activation of television station WTCE-TV, Channel 21 in Fort Pierce, as a satellite of public television station WPBT-TV, in Miami/Fort Lauderdale. WPBT has concluded an agreement to acquire WTCE; activation as a satellite of WPBT will bring first public television service to approximately 300,000 viewers in St. Lucie, Indian River, Martin, Osceola, and Okeechobee Counties. WPBT also proposes production of local public affairs programs for these areas.

File No. 90109 CTB Keys Educators Broadcasting, Inc. 1101 South Olive Street, West Palm Beach, FL 33401. Signed By: Mr. Brian E. Brightly, Vice President. Funds Requested: \$818,062. Total Project Cost: \$1,090,750. To support construction and activation of a new public television station, WKET-TV, Channel 9, in Islamorada, to serve the Upper Keys and most of metropolitan Miami. The station will broadcast mainly in Spanish in order to serve more than 500,000 residents of the service area whose primary language is Spanish. The proposal seeks funding for essential broadcasting equipment, including a transmitter, antenna, tower, studio and test equipment.

File No. 90121 PTN School Bd of Monroe County, FL, 242 White Street, Key West, FL 33040. Signed By: Dr. A.J. Henriquez, Superintendent. Funds Requested: \$50,000. Total Project Cost: \$50,000. To support planning and design of an Instructional Television Fixed Service (ITFS) system to serve the Monroe County School District, by providing educational, instructional, vocational, and other kinds of programming to 13 schools located along the 120 miles of the Florida Keys.

File No. 90177 CRB Florida State University, 2561 Pottsdamer Street, Tallahassee, FL 32310. Signed By: Mr. Robert M. Johnson, V.P. Research & Grad. Studies. Funds Requested: \$86,112. Total Project Cost: \$114,816. To support

expansion of the signal of public radio station WFSU-FM, operating on 91.5 MHz in Tallahassee, by increasing the transmitted signal from the current 50kw, 500' HAAT to 100kw, 662' HAAT. The power and tower height increase will increase the service area from a 33-mile radius to 40 miles and bring first service to approximately 23,188 listeners.

File No. 90182 CTB Florida State University, 2565 Pottsdamer Street, Tallahassee, FL 32304. Signed By: Mr. Robert M. Johnson, V.P. Research & Grad. Studies. Funds Requested: \$81,325. Total Project Cost: \$162,650. To support replacement of WFSU-TV's audio/video/time-code distribution, control, and switching system. The present system is obsolete and is not stereo-capable, and therefore does not meet the PBS standard for stereo distribution and control. WFSU provides programming to its immediate service area and to a satellite transmitter located 115 miles away in a different service area.

File No. 90223 CRB WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed By: Mr. Fred Rebman, President & Chief Exec Officer. Funds Requested: \$61,362. Total Project Cost: \$122,724. To support replacement of an aging and obsolete transmitter at public radio station WJCT-FM, operating at 89.9 MHz, and serving 1.3 million listeners in Jacksonville. The present transmitter is eighteen years old and subject to persistent mechanical failures. The proposal also seeks support for replacement of a 13-year-old transmitter remote control, four compact disc players, a telephone interface unit, and a dual trace test oscilloscope.

File No. 90237 CTB University of South Florida, 4202 Fowler Avenue, SVC 116, Tampa, FL 33620. Signed By: Mr. Frank Lucarelli, Dir., Division of Spon. Res. Funds Requested: \$391,710. Total Project Cost: \$783,420. To support replacement of an obsolete 24-year-old transmitter at public television station WUSF-TV, operating on Channel 16 and serving the Tampa Bay Area. This project includes a new state-of-the-art UHF Klystron transmitter, remote control, stereo capability, and a Second Audio Program (SAP) capability. WUSF-TV provides cultural, public affairs, and educational programming to more than 3 million viewers, including 22 courses per semester through its Open University Program.

File No. 90242 CRB Indian River Community College, 3209 Virginia Avenue, Fort Pierce, FL 34981. Signed By: Mr. Edwin R. Massey, President. Funds Requested: \$32,945. Total Project Cost: \$65,890. To support replacement of nine worn-out audio tape recorders and

twelve worn-out cart machines. WQCS-FM, 88.9 MHz, is the sole public radio station serving Indian River, St. Lucie, Martin, and Okeechobee Counties; the population of Ft. Pierce is 50 percent Black, and the station's programming reflects this fact.

File No. 90277 CRB Nathan B. Stubblefield Found., 1210 E. Martin Luther King Blvd., Tampa, FL 33603. Signed By: Mr. Gregory E. Musselman, Board President. Funds Requested: \$32,830. Total Project Cost: \$65,660. To support equipping of a basic production studio as the main production center for public radio station WMNF-FM, 88.5 MHz in Tampa. WMNF-FM is a community station which has recently moved into a new building; equipment requested includes audio console, speakers, microphones, turntables, recorders, and associated items.

File No. 90282 CRB Florida State University, 2561 Pottsdamer Street, Tallahassee, FL 32310. Signed By: Mr. Robert M. Johnson, V.P. Research & Grad. Studies. Funds Requested: \$167,520. Total Project Cost: \$223,360. To support construction and activation of a new 100kw public radio station to operate at 89.1 MHz, eighteen miles northwest of Panama City. The station will provide public radio service to approximately 200,000 listeners, of whom 21,349 will be receiving first service.

GA (Georgia)

File No. 90178 CTB Georgia Public T/C Commission, 1540 Stewart Avenue, SW, Atlanta, GA 30310. Signed By: Mr. Richard E. Ottinger, Executive Director. Funds Requested: \$525,000. Total Project Cost: public television station WACS-TV, operating on Channel 25, in Dawson. This 5000-square mile area of southwest Georgia is 2.5% Hispanic; the proposed project will also add a second audio program channel in order to provide bilingual programming.

IA (Iowa)

File No. 90011 CRB University of Northern Iowa, 23rd and College Sts., C.A.C., Cedar Falls, IA 50614-0359. Signed By: Mr. Edward M. Ebert, Admin., Grants & Contracts. Funds Requested: \$34,100. Total Project Cost: \$68,200. To improve the facilities of public radio station KHKE, operating on 89.5 MHz in Cedar Falls, by replacing an obsolete transmitter, antenna, audio console and tape recorders. KHKE is one of two public radio stations in Cedar Falls operated by the University of Northern Iowa and serves 150,000 people in the Cedar Falls area.

File No. 90012 CRB University of Northern Iowa, 23rd and College Streets, 324 CAC, Cedar Falls, IA 50614-0359. Signed By: Mr. Edward M. Ebert, Admin., Grants & Contracts. Funds Requested: \$47,959. Total Project Cost: \$95,919. To improve the facilities of public radio station KUNI, operating on 90.9 MHz in Cedar Falls, IA, by replacing a 17 year old transmitter. The project will also replace several audio recorders with state-of-the-art digital audio recorders. The project will ensure continued service to over 600,000 residents of eastern Iowa.

File No. 90218 CRB Minority Communications, 1509 Forest Ave., Des Moines, IA 50314. Signed By: Mr. Larry D. Nevilles, President. Funds Requested: \$100,000. Total Project Cost: \$140,000. To establish a noncommercial radio station on 89.3 MHz intended to address minority needs in Des Moines, IA. The proposed facility will serve 300,000 people in the Des Moines area.

File No. 90229 CTB Iowa Public Broadcasting Board, 6450 Corporate Drive, Johnston, IA 50131. Signed By: Mr. George C. Carpenter, III, Executive Director. Funds Requested: \$55,000. Total Project Cost: \$110,000. To improve the production facilities of the Iowa Public Television system by replacing an obsolete video production switcher and related monitoring equipment. Iowa Public Television serves 1.2 million people throughout the state of Iowa.

ID (Idaho)

File No. 90128 CRB Idaho State Board of Education, 1910 University Drive, Boise, ID 83725. Signed By: Dr. Asa M. Ruyle, Vice Pres., Finance & Admin. Funds Requested: \$6,330. Total Project Cost: \$8,440. To activate a noncommercial radio FM translator in Cascade, ID that will extend the signal of public radio station KBSU-FM in Boise to provide first service public radio to 1,000 residents of the Cascade area.

File No. 90131 CRB Idaho State Board of Education, 1910 University Drive, Boise, ID 83725. Signed By: Dr. Asa M. Ruyle, Vice Pres., Finance & Admin. Funds Requested: \$12,675. Total Project Cost: \$16,900. To activate a noncommercial radio FM translator in Lower Stanley, ID that will extend the signal of public radio station KBSU-FM in Boise to provide first service public radio to 100 residents of the Lower Stanley area.

File No. 90213 CTB State Bd. of Educ/Bd. of Regents, 1910 University Drive, Boise, ID 83725. Signed By: Mr. Jerold A. Garber, General Manager. Funds Requested: \$1,418,055. Total Project Cost: \$1,890,740. To upgrade and expand

the transmission capabilities of the Idaho public television network by replacing and relocating the transmission facilities of KUID-TV Channel 12 in Moscow, by replacing existing translators with full service transmitters in Coeur d'Alene and Twin Falls, by replacing translators in Burley and Preston, by activating a new translator in Malta, and by constructing three microwave links. The project also includes 4½ inch video tape machines.

IL (Illinois)

File No. 90040 CRB University of Illinois, 354 Administration Building, Urbana, IL 61801. Signed By: H.J. Stapleton, Secretary, Campus Research Bd. Funds Requested: \$43,820. Total Project Cost: \$87,640. To replace the obsolete transmitter of WILL-FM, serving Urbana, and to acquire associated monitoring equipment.

File No. 90082 CRB Illinois State University, 310 Media Center, Normal, IL 61761. Signed By: Mr. William Davis, Dir., Research/Sponsored Prog. Funds Requested: \$69,398. Total Project Cost: \$138,796. To implement a power increase from 2.5 to 25 kw which will expand and improve the signal of WGLT-FM located in Normal. Project will provide additional coverage to Livingston County by providing an FM nighttime signal. Equipment includes antenna, transmitter, STL and associated test and monitoring equipment.

File No. 90132 CTB Chicago Educ. Television Assoc., 5400 North St. Louis Avenue, Chicago, IL 60625. Signed By: Mr. John C. Rahmann, Executive Vice President. Funds Requested: \$267,000. Total Project Cost: \$535,000. To improve WTTW-TV, Channel 11 serving the Chicago area, by replacing worn out and unreliable studio production and mobile production equipment. Request includes production switcher, audio console, four CCD cameras, beta VTR's and other production equipment.

File No. 90144 CTB Eastern Illinois University, BB 139, Charleston, IL 61920. Signed By: Mr. Stanley G. Rives, President. Funds Requested: \$155,933. Total Project Cost: \$207,911. To improve WEIU-TV, Channel 51 serving Charleston by replacing an obsolete ¾ inch editing system and other production and test equipment. The request includes 6¾ inch VCR's, an edit controller, digital effects unit, and a character generator.

File No. 90168 CTB Southern Illinois University, 1048 Communications Bldg., SIU, Carbondale, IL 62901. Signed By: Mr. John C. Guyon, President. Funds Requested: \$131,630. Total Project Cost: \$263,260. To improve the operation of

WSIU-TV in Carbondale by replacing an obsolete and malfunctioning production routing system, special effects unit, audio console and a lighting control system.

IN (Indiana)

File No. 90090 CTB Michiana Public Brdcstg Corp., 2300 Charger Boulevard, Elkhart, IN 46514. Signed By: Mr. Don Checots, Executive Director/Gen. Mgr. Funds Requested: \$99,000. Total Project Cost: \$198,000. To improve the facilities of WNT-TV Channel 34 serving Elkhart, by replacing obsolete production equipment. Equipment requested includes master control switcher, serial machine control system, two ¾ inch VTR's, character generator and other production items.

File No. 90102 CTB Metro. Indianapolis PB Inc., 1401 North Meridian St., Indianapolis, IN 46202-2020. Signed By: Mr. Lloyd Wright, President & General Manager. Funds Requested: \$315,000. Total Project Cost: \$630,000. To improve WFYI-TV channel 20, serving Indianapolis, by replacing worn-out recording, editing and routing equipment. Six VTR's, a camcorder and a routing switcher are requested.

File No. 90189 CRB Public Brdcstg of NE IN, Inc., 2000 North Wells Street, Fort Wayne, IN 46808. Signed By: Mr. James E. Stump, President. Funds Requested: \$119,408. Total Project Cost: \$238,816. To expand and improve the signal of WBNI-FM, serving Ft. Wayne, by implementing a power increase from 31 kw EFP to 33 kw ERP. A transmitter and antenna with a directional pattern have been requested. The improved signal will provide service to surrounding unserved areas and eliminate multipath problems within the current signal.

File No. 90193 CTB Indiana University, Indiana University, Bryan 215E, Bloomington, IN 47405. Signed By: Mr. William E. Farquhar, Dir., Contract & Grant Admin. Funds Requested: \$81,325. Total Project Cost: \$162,650. To improve the facilities of WITU-TV, Channel 30 serving Bloomington by replacing industrial grade ¾ inch video cassettes with broadcast quality ½ inch videotape recorders.

KS (Kansas)

File No. 90043 CTB Kansas Public T/C Service, Inc., 320 West 21st St., P.O. Box 288, Wichita, KS 67201. Signed By: Mr. Zoel Parenteau, President and General Manager. Funds Requested: \$231,241. Total Project Cost: \$462,483. To improve station KPTS-TV, Channel 8, in Wichita by replacing a twenty-year old transmitter and related dissemination equipment. Project will also replace old

microwave interconnection equipment and test equipment for which parts are difficult to obtain. KPTS-TV serves approximately 387,773 residents of its service area in addition to those served by cable television systems.

File No. 90157 CRB University of Kansas, 1120 W. 11th, P.O. Box 847, Lawrence, KS 66044. Signed By: Ms. Kim Moreland, Dir., Rsch Support & Grants. Funds Requested: \$6,375. Total Project Cost: \$12,750. To acquire an additional 150 FM subcarrier radio receivers for use by the print-handicapped in Kansas and parts of Oklahoma, Arkansas, and Missouri. Receivers will allow the print-handicapped to access the subcarriers of KRPS-FM in Pittsburg, Kansas, and KCRU-FM in Kansas City, Missouri.

File No. 90243 CTB Smoky Hills Public TV Corp., 6th & Elm Street, Bunker Hill, KS 67626. Signed By: Mr. Nicholas Slechta, Executive Director & Gen Mgr. Funds Requested: \$101,250. Total Project Cost: Secondary Audio Program (SAP) will allow bilingual programming, descriptive video and use as a reading service for the sight impaired.

KY (Kentucky)

File No. 90046 CTB KET, The Kentucky Network, 600 Cooper Drive, Lexington, KY 40502. Signed By: Ms. Sandra H. Welch, Deputy Executive Director. Funds Requested: \$600,000. Total Project Cost: and 10 translators and serves 3.6 million residents throughout the state of Kentucky. The project would replace obsolete video tape, switching, graphic and test equipment and add additional production capability to permit continued production of programming to serve the needs of Kentucky.

File No. 90093 CRB Louisville Free Public Library, 301 York Street, Louisville, KY 40203-2257. Signed By: Ms. Harriet Henderson, Director. Funds Requested: \$59,469. Total Project Cost: \$118,940. To improve the facilities of WFPK-FM and WFPL-FM, serving Louisville, by replacing and upgrading obsolete equipment. The request includes tape recorders, mixing board and other audio production equipment.

File No. 90295 CRB Moorehead State University, 124 Henry Ward Place, Morehead, KY 40351. Signed By: C. Nelson Grote, President. Funds Requested: \$102,583. Total Project Cost: \$136,778. To extend the service of public radio station WMKY, operating on 90.3 MHz, Moorehead, by constructing a repeater station on 94.7 MHz, Paintsville. The repeater station will provide first public radio service to 95,000 people in Eastern Kentucky.

LA (Louisiana)

File No. 90056 CRB Public Radio, Inc., 3050 Valley Creek Drive, Baton Rouge, LA 70808. Signed By: Mr. Eric DeWeese, Vice President and Gen. Mgr. Funds Requested: \$110,566. Total Project Cost: \$147,421. To assist community radio station WRKF-FM, serving Baton Rouge, in relocating its transmission facilities, in order to correct severe interference problems. The station will move to a 1000' tower presently held by the Louisiana Educational Television Authority. Concurrently, WRKF will replace an obsolete McMartin transmitter, antenna, and four 10-year old Ampex recorders. The old transmitter will be used as a backup and remain wired into the old site.

File No. 90139 CTB Educational Brdcstg Foundation, 2929 South Carrollton Avenue, New Orleans, LA 70118. Signed By: Mr. Phillip M. Hannan, President. Funds Requested: \$89,900. Total Project Cost: \$179,600. To support the construction of a two-way microwave interconnection to tie WLPB-TV, in Baton Rouge, with WLAE-TV in New Orleans, enabling WLAE-TV more effectively to provide instructional programming from Louisiana Public Broadcasting to its viewing area. WLAE-TV broadcasts ITV programming, GED, and college credit courses from the Roman Catholic Archdiocese of New Orleans.

File No. 90188 CTN New Orleans Educ. T/C Consort., 501 City Park Avenue, Bldg. 7, New Orleans, LA 70119. Signed By: Mr. Robert J. Lucas, Executive Director. Funds Requested: \$787,778. Total Project Cost: \$10,380,778. To support equipping classrooms within the consortium's ITFS system for originating programs, and to support campus-to-transmitter links to deliver signals for dissemination throughout the system. Sites to be served include Delgado Community College, Dillard University, Loyola University, Southern University at New Orleans, Tulane University, Xavier University, and the University of New Orleans. Nine parishes in Louisiana will be affected.

File No. 90209 CTB Louisiana ETV Authority, 7860 Anselmo Lane, Baton Rouge, LA 70810. Signed By: Ms. Beth Courtney, Executive Director. Funds Requested: \$149,175. Total Project Cost: \$298,350. To support the addition of a half-inch editing suite to complement the half-inch field equipment used by the Louisiana Educational Television Authority to produce courses related to the Star Schools project; teacher in-service training; and instructional television productions. The new editing suite will supplement the single suite

now in place. Louisiana ETV supplies educational and cultural programming to the State through 6 transmitters, and is carried on 154 cable systems.

File No. 90214 CTB Louisiana ETV Authority, 7860 Anselmo Lane, Baton Rouge, LA 70810. Signed By: Ms. Beth Courtney, Executive Director. Funds Requested: \$143,200. Total Project Cost: \$286,400. To support the replacement of 4 nine-year old field cameras. The equipment will be housed at the LPB Telecommunications Center, but will be used to provide educational, continuing education, and cultural programming to the entire state through a system of six transmitters and translators.

MA (Massachusetts)

File No. 90220 CRB Univ. of Massachusetts at Boston, Harbor Campus, Boston, MA 02125-3393. Signed By: Ms. Jean MacCormack, Vice Chancellor, Admin. & Fin. Funds Requested: \$63,179. Total Project Cost: \$105,299. To extend the signal of public radio station WUMB-FM operating on 91.9 MHz, in Boston, by establishing a FM repeater transmitter in Worcester.

File No. 90290 CTB WGBH Educational Foundation, 44 Hampden Street, Springfield, MA 01103. Signed By: Mr. James H. Lewis, General Manager. Funds Requested: \$660,000. Total Project Cost: \$1,100,000. To upgrade and extend the transmission capabilities of public television station WGBY-TV, operating on Channel 57, in Springfield, by replacing an obsolete UHF transmitter and antenna, and raising the height of its tower. The resulting improvements will enable WGBY-TV to provide a first service or improved signal to over 75,000 residents of Western Massachusetts.

MD (Maryland)

File No. 90162 PRB Salisbury State Univ. Foundation, Rt. 13 and College Avenue, Salisbury, MD 21802-2596. Signed By: Mr. Thomas E. Bellavance, President. Funds Requested: \$12,056. Total Project Cost: \$17,056. To plan for the expansion of public radio station WSCl's coverage to the southern tip of the Western Shore of the Chesapeake Bay in Maryland, in St. Mary's County, MD, and the lower portion of the northern neck of Virginia. This has been determined to be an unserved area; expansion of WSCl's coverage, therefore, would be a first-service to this region.

File No. 90264 CRB Community College of Baltimore, 2901 Liberty Heights Avenue, Baltimore, MD 21215. Signed By: Ms. Cary Smith, General Manager. Funds Requested: \$6,222. Total Project Cost: \$12,444. To replace

outdated and marginally functional production equipment at public radio station WBJC-FM, operating at 91.5 MHz, serving Baltimore. Equipment requested includes a stereo half-track recorder, compact disc players, and digital recorders.

File No. 90271 PRB Salisbury State Univ. Foundation, Rt. 13 and College Avenue, Salisbury, MD 21802-2596. Signed By: Mr. Thomas E. Bellavance, President. Funds Requested: \$11,419. Total Project Cost: \$16,419. To plan for the expansion of service by public radio station WSLC-FM, broadcasting at 89.5 MHz in Salisbury, into New Castle County, Delaware. WSLC's current signal reaches as far as Smyrna, DE; the area between Smyrna and Newark, DE, is presently an unserved region.

File No. 90272 PRB Salisbury State Univ. Foundation, Rt. 13 and College Avenue, Salisbury, MD 21802-2596. Signed By: Mr. Thomas E. Bellavance, President. Funds Requested: \$12,224. Total Project Cost: \$17,224. To plan for the expansion of service by public radio station WSLC-FM, broadcasting at 89.5 MHz, in Salisbury, into the counties of Atlantic, Burlington, Cape May, Cumberland, and Ocean City in New Jersey. WSLC's secondary signal now reaches as far north as Cape May, NJ; the area between Atlantic City and Cape May is currently unserved.

ME (Maine)

File No. 90037 CTB Colby-Bates-Bowdoin ETV Corp., 1450 Lisbon Street, Lewiston, ME 04240. Signed By: Mr. Robert H. Gardiner, President and General Manager. Funds Requested: \$54,520. Total Project Cost: station WCBB, Channel 10, Lewiston, which serves southern and central Maine and reaches about 75 percent of the Maine population. The project will purchase two portable cameras, a time base corrector, B&W and color monitors, a waveform monitor, a generator inserter, and video and distribution amplifiers. It will also upgrade the station's routing switcher for stereo.

File No. 90062 CRB University of Maine System, 65 Texas Avenue, Bangor, ME 04401. Signed By: Mr. William J. Sullivan, Treasurer. Funds Requested: \$191,516. Total Project Cost: \$294,640. To purchase a 20 kw transmitter and a low-gain antenna for public radio station WMEH-FM, which operates on 90.9 MHz from Bangor. The new equipment will improve the reliability of WMEH's signal in the central coast region. The project will also purchase diverse studio equipment—most notably audio consoles and recording equipment—for WMEH, which serves as the primary

production facility for the five-station Maine Public Broadcasting Network radio system.

MI (Michigan)

File No. 90032 CTB University of Michigan—Flint, 1321 E. Court, Flint, MI 48502. Signed By: Mr. Martin H. Tobin, Asst. Dir., Div. of Res. Dev. Funds Requested: \$125,000. Total Project Cost: \$250,000. To improve WFUM-TV, Channel 28, by replacing obsolete and worn-out basic equipment. Equipment requested includes production switcher, character generator, still store and other basic production equipment.

File No. 90068 CTB Detroit Educ. Television Found., 7441 Second Blvd., Detroit, MI 48202-2796. Signed By: Mr. Robert F. Larson, President & General Manager. Funds Requested: \$396,712. Total Project Cost: \$528,950. To improve WTVS, Channel 56 serving Detroit, by replacing obsolete and wornout studio cameras. Request includes four cameras and lighting equipment.

File No. 90086 CTB Michigan State University, 84 Wilson Roads, East Lansing, MI 48824-1212. Signed By: Mr. Howard G. Grider, Contract & Grant Admin. Funds Requested: \$205,855. Total Project Cost: \$411,710. To improve WKAR-TV Channel 23 in E. Lansing by replacing three 17 year old cameras with state of the art units.

File No. 90089 CRB Grand Rapids Cable Access Center, 2820 Clyde Park Ave., SW, Wyoming, MI 49509. Signed By: Mr. Dirk Koning, Executive Director. Funds Requested: \$52,654. Total Project Cost: \$70,205. To improve WYCE-FM, a 1000 watt community radio station serving Wyoming and parts of Grand Rapids by replacing obsolete production equipment and acquiring a satellite receive antenna.

File No. 90208 CTN Shiawassee Inter. School Dist., 208 N. Brady Street, Corunna, MI 48817. Signed By: Mr. Patrick C. Gilbert, Superintendent. Funds Requested: \$969,222. Total Project Cost: \$1,292,296. To establish a fiber optic linkage between nine rural schools in Corunna County that will allow exchange of educational courses and curriculum enrichment. Equipment request includes fiber optic lines and production equipment.

File No. 90255 CTB Grand Valley State University, 301 West Fulton Street, Grand Rapids, MI 49504-6492. Signed By: Mr. Michael T. Walenta, General Manager. Funds Requested: \$634,672. Total Project Cost: \$1,269,345. To improve WGVU-TV, Channel 35 serving Grand Rapids, by replacing an obsolete and unreliable transmitter, transmission line and antenna.

File No. 90267 CTB Delta College, Delta Road, University Center, MI 48710. Signed By: D.J. Carlyon, President. Funds Requested: \$176,437. Total Project Cost: \$352,875. To improve the production capability of WUCM-TV, Channel 19 serving Saginaw county and its sister station, WUCX-TV, Channel 35 serving Bay county, by replacing obsolete unreliable and worn-out studio and field production equipment. Request includes routing switcher, sync generator, still store, audio console, a field editing system and other production equipment.

File No. 90268 CRB Delta College, Delta Road, University Center, MI 48710. Signed By: D.J. Carlyon, President. Funds Requested: \$91,225. Total Project Cost: \$182,451. To add local origination equipment to be used for developing programming required of Delta College by a Joint Operating Agreement with Central Michigan University for the operation of WUCX-FM serving Bay City. The request includes an assortment of tape recorders, audio consoles and other essential studio equipment.

MN (Minnesota)

File No. 90030 CTB Twin Cities Public TV, Inc., 172 E. 4th Street, St. Paul, MN 55101. Signed By: Mr. Richard O. Moore, President & General Manager. Funds Requested: \$134,885. Total project Cost: \$269,770. To improve the efficiency of WTCI-TV, Channel 17 serving St. Paul, by replacing the obsolete exciter and inefficient antenna.

File No. 90112 CRB Minnesota Public Radio, 45 East 7th Street, Saint Paul, MN 55101. Signed By: Mr. Thomas J. Kigin, Vice President. Funds Requested: \$317,000. Total Project Cost: \$634,000. To improve the production center of MPR by replacing worn-out and obsolete equipment. MPR network provides programming regionally to 18 stations. Equipment request includes reel to reel tape recorders, digital tape recorders, recorder consoles and other production equipment.

File No. 90134 CRB Northern Community Radio, Inc., 1841 E. Highway 189, Grand Rapids, MN 55744-3398. Signed By: Mr. Michael Goldberg, General Manager. Funds Requested: \$107,100. Total Project Cost: \$214,294. To improve KAXE-FM serving Grand Rapids by replacing worn-out and obsolete transmission and production equipment. Request includes transmitter, STL system, control and production studios.

File No. 90248 CTB Northern MN Public TV, Inc., 1400 Birchmont Drive, Bemidji, MN 56601-2699. Signed By: Mr.

Paul Stankovich, General Manager. Funds Requested: \$572,306. Total Project Cost: \$1,144,612. To extend the signal of KAWE-TV, Channel 9 in Bemidji, by activating a satellite station on Channel 30 in unserved Thief River Falls. The new station would serve the northwestern part of the state. In addition to dissemination equipment for the repeater station, production equipment—cameras, switcher and STL—have been requested for Channel 9.

MO (Missouri)

File No. 90019 CRB University of Missouri-St. Louis, 8001 Natural Bridge, St. Louis, MO 63121. Signed By: Ms. Elizabeth Clayton, Assoc. Vice Chancellor for Res. Funds Requested: \$111,750. Total Project Cost: \$149,000. To improve the signal of KWMU-FM serving St. Louis by replacing its 18 year old transmission and antenna system.

File No. 90103 CRB NW Missouri State University, Wells Hall, NWMSU, Maryville, MO 64468. Signed By: Dr. Dean Hubbard, President. Funds Requested: \$0. Total Project Cost: \$141,944. To improve KXCV-FM, serving Maryville, by replacing the obsolete and inefficient transmission system and antenna system.

File No. 90200 CRB University of Missouri, 312 Jesse Hall, Columbia, MO 65211. Signed By: Mr. H. Marcus Price, Dir. Office of Spon. Prog. Funds Requested: \$45,963. Total Project Cost: \$91,926. To improve the signal of KBIA-FM in Columbia by replacing its obsolete transmitter and STL systems.

File No. 90240 PRB Southeast Missouri State Univ., Pacific & Normal, No. 110, Cape Girardeau, MO 63701-4799. Signed By: Mr. Robert W. Foster, Interim President. Funds Requested: \$24,500. Total Project Cost: \$24,500. To assist licensee of KRCU-FM in Cape Girardeau to assess the best method of providing public radio service to an unserved region of Southeast MO.

File No. 90270 CTB Ozarks Public Telecomm., Inc., 821 No. Washington, Springfield, MO 65802. Signed By: Mr. Arthur J. Luebke, General Manager. Funds Requested: \$153,195. Total Project Cost: \$306,390. To improve KOZK-TV, Channel 21 serving Springfield by replacing malfunctioning transmission line and antiquated $\frac{3}{4}$ inch editing and field equipment.

MS (Mississippi)

File No. 90076 CTB Mississippi Authority for ETV, 3825 Ridgewood Road, Jackson, MS 39211. Signed By: Mr. A.J. Jaeger, Executive Director. Funds Requested: \$1,438,976. Total Project Cost: \$2,877,953. To support replacement

of aging and failing television transmitters and associated transmission equipment at three stations in the Mississippi Educational Television Network: WMAA-TV, Channel 29 (Jackson, MS); WMAB-TV, Channel 2 (Mississippi State, MS); and WMAH-TV, Channel 19 (Biloxi, MS). Present equipment is grossly inefficient and is no longer being manufactured or serviced.

MT (Montana)

File No. 90059 CTN Montana State University, Visual Communications Building, Bozeman, MT 59717. Signed By: Mr. Gordon V. Stroh, Grant & Contract Administrator. Funds Requested: \$434,458. Total Project Cost: \$579,358. To augment and improve the ability of public television station KUSM-TV operating on Channel 9 in Bozeman to provide a broader range of educational, informational and cultural programming to rural Montana residents by installing a Ku band satellite uplink/downlink, a C band satellite downlink, and production equipment at the KUSM site in Bozeman. The project would also equip eight low power Rural Television Systems (RTS) in Montana with C/Ku band satellite downlinks.

File No. 90098 CTB Colstrip Public Schools, 216 Olive Drive, P.O. Box 159, Colstrip, MT 59323. Signed By: Mr. James D. Anderson, Superintendent. Funds Requested: \$42,910. Total Project Cost: \$57,214. To augment and improve the local origination capability of non-commercial low power television station K operating on Channel 28 in Colstrip by providing various production equipment items.

File No. 90227 CTN Montana Public TV Association, Box 421, 501 4th Ave. N.E., White Sulphur Springs, MT 59645. Signed By: Mr. Frank Tyro, Vice Pres., Mont. Public TV Assn. Funds Requested: \$110,985. Total Project Cost: \$147,980. To augment and improve the ability of thirteen low power Rural Television System (RTS) stations throughout Montana to provide a broader range of cultural, educational and informational programming to rural residents by installing an automated C/Ku band satellite downlink at each location.

File No. 90228 CTB Bitterroot Valley Public TV, Inc., P.O. Box 588, Hamilton, MT 59840. Signed By: Mr. Antony L. Swallow, Vice President, BVPT, Inc.. Funds Requested: \$16,285. Total Project Cost: \$21,713. To augment and improve the local origination capability of non-commercial low power television station K21AN operating on Channel 21 in Hamilton by providing various production equipment items.

NC (North Carolina)

File No. 90002 CTN Pembroke State University, College Street, Pembroke, NC 28372. Signed By: Dr. Joseph B. Oxendine, Chancellor. Funds Requested: \$294,817. Total Project Cost: \$491,361. To support expansion in public and minority participation in programming and distribution by placing into operation a mobile production unit to cover local governmental and cultural events, and to expand the service area of WPSU-TV by establishing three microwave links with: 1. the University of North Carolina Center for Public Television; 2. Lumberton Cablevision (Robeson County); and 3. Fayetteville Cablevision (Cumberland County).

File No. 90020 CTN Charlotte-Mecklenburg Pub School, 800 Everett Place, Charlotte, NC 28205. Signed By: Mr. Gene Sweezy, Director of Media Services. Funds Requested: \$46,350. Total Project Cost: \$92,700. To support the purchase of new video equipment, including cameras, recorders, timebase correctors, and switchers, to replace old and outdated equipment used to produce instructional television programs for use in grades K-12 of the Charlotte-Mecklenburg public schools.

File No. 90071 CRB Western NC Public Radio, Inc., 73 Broadway, Asheville, NC 28801. Signed By: Mr. Douglas W. Haldane, Chairman. Funds Requested: \$84,285. Total Project Cost: \$112,380. To support improvement of the service of public radio station WCQS-FM, 88.1 MHz, in Asheville, NC, by moving the transmitter facilities to a higher location with significantly improved sight lines to the population of western North Carolina. An additional 60,000 listeners will receive first radio service; an additional 100,000 listeners will receive first SCA service; and 40,000 listeners will receive additional public radio service from this project.

File No. 90072 CRB Western NC Public Radio, Inc., 73 Broadway, Asheville, NC 28801. Signed By: Mr. Douglas W. Haldane, Chairman. Funds Requested: \$28,070. Total Project Cost: \$34,760. To support construction of a new translator for public radio station WCQS-FM, 90.7 MHz, located in Asheville, NC, and serving an 11-county region in the western part of the state. The translator will extend first radio service and first SCA service to an additional 29,342 listeners.

File No. 90245 CTB University of North Carolina, 10 T.W. Alexander Drive, Research Triangle Park, NC 27709-4900. Signed By: Mr. John W. Dunlop, Director. Funds Requested: \$495,300. Total Project Cost: \$4,425,900.

To support relocation and upgrade of the University of North Carolina's Center for Public Television station WUNC-TV, Channel 58, located in Concord, NC, before its lease extension on a commercial site expires in September, 1992. The present obsolete 30kw transmitter will be replaced with a 240kw transmitter; a new transmission line will be installed, and the tower height will be increased, increasing the service area by 4,646 sq. mi. and the audience by 841,033, from 1,433,917 to 2,275,000.

ND (North Dakota)

File No. 90061 CTB Prairie Public Brdg, Inc., 207 No. 5th Street, Fargo, ND 58108-3240. Signed By: Mr. Dennis L. Falk, President. Funds Requested: \$835,506. Total Project Cost: \$1,114,142. To expand the ND Public Television State Network by activating a new public station on Channel 19 in Ellendale. The new station will repeat the network signal originating from KFME-TV in Fargo. Station will provide a first public signal to approximately 34,212 persons not currently receiving an over the air signal. The network signal will reach Ellendale via microwave.

File No. 90147 CRB Fort Berthold Comm. Enterprise, P.O. Box 699, New Town, ND 58763. Signed By: Ms. Delphine A. Baker, Board President. Funds Requested: \$64,273. Total Project Cost: \$86,673. To extend the signal of radio station KMHA-FM, 91.3 MHz, New Town, by constructing translators in Culbertson, MT and Wolf Point, MT. The Culbertson translator, on 88.9 MHz, will receive KMHA-FM off the air and Wolf Point, on 91.1 MHz, will translate Culbertson. The Culbertson translator will serve McCabe, Culbertson, Froid, Homestead, Ft. Kipp and Brockton. The Wolf Point translator will serve Wolf Point, Macon and Poplar including the Fort Peck Indian Reservation. Local origination facilities will be established on the Fort Peck Indian Reservation at the Fort Peck Community College. In addition, KMHA-FM seeks to improve its existing facilities by augmenting its origination equipment. Approximately 8,620 residents are within the proposed combined service areas of the two translators.

NE (Nebraska)

File No. 90142 CTB Metro. Technical Comm. College, 30 and Fort St. Bldg. #8, Omaha, NE 68111. Signed By: Mr. J. Richard Gilliland, President. Funds Requested: \$229,556. Total Project Cost: \$459,112. To construct a new Low Power television station on Channel 57 in Fremont. Project will also install microwave links between the

Metropolitan Comm. College, the University of Nebraska and the LPTV station. Project will extend college's distance learning to households, businesses and educational institutions in rural Dodge and Wash. Cos.

File No. 90176 PRB Omaha Community Broadcasting, 5112 No. 48th Street, Omaha, NE 68104. Signed By: Mr. William J. Thompson, Chairperson. Funds Requested: \$20,000. Total Project Cost: \$20,000. To plan for the activation of a new low power minority-owned and operated public radio station in Omaha. Proposed station would program to meet the needs of the minority population in Omaha and the surrounding area.

File No. 90216 CTN Agricultural Satellite Corp., 1800 North 33rd Street, Lincoln, NE 68506. Signed By: Mr. Jack G. McBride, Executive Director. Funds Requested: \$1,533,539. Total Project Cost: \$2,182,565. To establish an educational satellite network to provide agricultural courses to universities and agricultural extension programs nationally. The network will interconnect 27 land grant institutions across the country to improve the quality of agricultural education and food production systems nationally.

File No. 90241 CTB NE Educational T/C Commission, 1800 N. 33rd St., Lincoln, NE 68501. Signed By: Mr. Jack G. McBride, Secretary & General Manager. Funds Requested: \$176,435. Total Project Cost: \$352,870. To improve the facilities of the state's public television network by replacing the production equipment in NETC's mobile unit. Items requested include: production switcher, routing switcher, video recorders, power generator, monitors, intercoms and related. State television network provides service to approximately 1,517,394 people in Nebraska and adjoining states.

File No. 90249 CRB NE Educational T/C Commission, 1800 N. 33rd St., Lincoln, NE 68501-3111. Signed By: Mr. Jack G. McBride, Secretary and General Manager. Funds Requested: \$391,515. Total Project Cost: \$522,020. To continue the establishment of the Nebraska Public Radio Network by the activation of four additional public radio stations. The repeater stations will be located at North Platte (91.7 MHz), Bassett (90.3 MHz), Merriman (91.9 MHz) and Chadron (91.9 MHz). In addition, project will acquire a RDAT play/record tape machine and three RDAT machines with remote. The network will also acquire satellite demodulators, portable remote pickup unit and related items. New stations will provide first public radio service to about 95,307 residents and the system will serve about 758,847 people.

File No. 90257 CRB Sunrise Communications, Inc., 941 "O" Street, Suite 1025, Lincoln, NE 68508. Signed By: Mr. William Messman, Chairman of Board. Funds Requested: \$44,815. Total Project Cost: \$59,754. To improve the facilities of public radio station KZUM-FM, 89.3 MHz, in Lincoln. KZUM-FM would acquire a satellite reception dish and upgrade the station's production/origination equipment. Station serves approximately 200,000 people of Lincoln County.

NH (New Hampshire)

File No. 90005 CTB University of New Hampshire, Mast Road, Rt. 155, Box 1100, Durham, NH 03824. Signed By: Mr. James D. Morrison, Assoc. Vice Pres. for Research. Funds Requested: \$120,000. Total Project Cost: \$160,000. To replace worn-out microwave equipment connecting the New Hampshire Public Broadcasting (NHPB) interconnection point on Saddleback Mountain to the Eastern Educational Network in Boston, MA. The project will also purchase fixed microwave equipment to connect the State Capital in Concord with the Saddleback Mountain site and will replace two worn-out remote video tape recorders. NHPB brings the sole public television signal to most New Hampshire residents.

File No. 90149 CRB Granite State Public Radio, Inc., 26 Pleasant Street, Concord, NH 03301. Signed By: Mr. Edward Kaplan, Chairman, Board of Trustees. Funds Requested: \$120,455. Total Project Cost: \$161,455. To purchase diverse transmission, origination and test equipment for public radio station WEVO-FM, operating on 89.1 MHz in Concord. The major items to be purchased are patch panels, an STL system with "hot standby", cassette recorders, on-air and production audio consoles, reel-to-reel recorders, a telephone interface, an oscilloscope and a spectrum analyzer.

NJ (New Jersey)

File No. 90075 CTB NJ Public Broadcasting Authority, 1573 Parkside Avenue, Trenton, NJ 08625. Signed By: Mr. Robert G. Ottenhoff, Executive Director. Funds Requested: \$1,177,825. Total Project Cost: \$2,187,100. To improve and expand the state public TV network by the replacement of a transmitter, two additional translators and a new booster. Project will extend the signal of WNJM-TV (50) in Montclair by constructing new translators in Sussex (36) and Hackettstown (49). An additional booster station is proposed for Blairstown to repeat the signal of

WNJB-TV (Channel 58) in New Brunswick. Project will also replace the worn-out transmitter of WNJM-TV (Ch. 50) and increase power to 5,000 KW. Project will result in the first service to about 224,398 persons not presently covered with an off-air public television service.

File No. 90091 CTN New Jersey Institute of Tech., 99 Summit Street, Newark, NJ 07102. Signed By: Mr. Arnold Allentuch, VP for Academic Affairs. Funds Requested: \$38,048. Total Project Cost: \$76,098. To acquire microwave interconnection between Wm. Paterson College, NJ Public Broadcasting Auth., Nat. Tech. Univ. and the applicant. System will transmit live video/audio to the WPC satellite uplink and feed the NJPBA ITFS transmitters in Montclair. Configuration will allow the applicant to disseminate instructional programming offered by the National Technological University. Although NJIT is not the license holder of the microwave systems, it will have a contractual arrangement for their use.

File No. 90130 CRB Performing Arts Network of N.J., 2 Village Court, Hazlet, NJ 07730. Signed By: Mr. Norman D. Sanders, Exec. Director. To improve the facilities of public radio station WKTW-FM, 91.1 MHz, in Dover Township. WKTW-FM seeks studio-to-transmitter equipment, transmitter remote control equipment, studio and interconnection equipment. After expanding their production/origination capabilities, station will seek NPR and CPB qualification to allow for power increase. Station is located in one of the fastest growing areas of the state.

File No. 90160 CRB Elec. Info. & Ed. Service of NJ, 59 Scotland Rd., P.O. Box 411, South Orange, NJ 07079. Signed By: Mr. John F. Mulvihill, Jr., General Manager. Funds Requested: \$13,611. Total Project Cost: \$18,149. To improve the facilities of the Radio Reading Service carried on WSOU-FM and various cable television companies in New Jersey. Project would acquire reel-to-reel recorders, a production console, cassette deck, microphones and headphones. Equipment would improve the efficiency of the service and automate the on-the-air programming and 24 hour feeds to CATV companies.

NM (New Mexico)

File No. 90120 CRB Alamo Navajo School Board, Inc., P.O. Box 907, Magdalena, NM 87825. Signed By: Mr. Marcel S. Kerkmans, Executive Director. Funds Requested: \$28,597. Total Project Cost: \$38,297. To improve the facilities of public radio station KABR-AM, on 1500 kHz, in Alamo by purchasing a satellite dish and related items. KABR-

AM seeks satellite interconnection equipment to receive National Public Radio, translate into Navajo and edit for later use. Station serves approximately 8,500 residents within its coverage area.

File No. 90123 CRN NM Commission for the Blind, 2200 Yale Blvd., S.E., Albuquerque, NM 87106. Signed By: Mr. Frederic K. Schroeder, Executive Director. Funds Requested: \$32,000. Total Project Cost: \$64,000. To acquire two digital record/playback recorders to establish a Talking Newspaper Program for the print-handicapped. Project will allow the user to access daily newspapers via Touch Tone telephones.

File No. 90170 CTB New Mexico State University, Jordan St., Milton Hall 100, Las Cruces, NM 88003. Signed By: Ms. Mary B. Husemoller, Director, Grants and Contracts. Funds Requested: \$92,000. Total Project Cost: \$184,000. To improve the facilities of public television station KRWG-TV, Channel 22, in Las Cruces. KRWG-TV seeks to replace two old TV translators (Alamogordo and Silver City) that carry the signal to 62,000 people. In addition, station seeks to replace an obsolete character generator and a transmitter remote control unit.

File No. 90198 CRB Gallup Public Radio, 910 Monterey Court, Gallup, NM 87301. Signed By: Mr. Roger Des Prez, President. Funds Requested: \$107,931. Total Project Cost: \$143,909. To activate a new public radio station on 91.7 MHz in Gallup. Station will be a 100-watt, Class A "Rocky Mountain Alternative" station which will rebroadcast the signal of KSJE-FM in Farmington. Proposed station will also broadcast local origination programming for the Gallup audience. New station will provide a first public radio signal to approximately 35,000 residents of Gallup and the surrounding areas.

NV (Nevada)

File No. 90118 CTB Clark County School District, 4210 Channel 10 Drive, Las Vegas, NV 89119. Signed By: Mr. John K. Hill, Dir. of Television Services. Funds Requested: \$271,897. Total Project Cost: \$362,530. To upgrade and expand the production and transmission capabilities of public television station KLVX-TV operating on Channel 10 in Las Vegas by replacing obsolete and worn out studio origination equipment, by constructing a microwave interconnection that would link the KLVX studio with the University of Nevada and the Clark County School District headquarters, and by constructing a TV translator that would bring first service public TV to 256 residents of Moapa and Glendale.

File No. 90137 CRB Econ. Opportn. Bd. of Clark Cnty, 2228 Comstock Drive, Las Vegas, NV 89030. Signed By: Mr. James W. Tyree, Executive Director. Funds Requested: \$133,462. Total Project Cost: radio station KCEP-FM operating on 88.1 MHz in Las Vegas, by replacing a worn out transmitter and antenna system and installing two new FM STLS.

File No. 90148 CTN Univ. of Nevada Sys. Bd. of Regents, 2201 W. Nye Lane, Carson City, NV 89701. Signed By: Mr. Anthony D. Calbro, President. Funds Requested: \$143,742. Total Project Cost: \$205,346. To construct a three channel ITFS system that would serve the educational and training needs of rural and minority populations at thirteen receive sites in a six county area of western Nevada.

File No. 90205 CTB Austin Television Association, P.O. Box 10, Austin, NV 89310. Signed By: Mr. Ray H. Williams, Chair, Lander County Commissrns. Funds Requested: \$88,716. Total Project Cost: \$118,288. To activate a noncommercial low power Rural Television System (RTS) station operating on Channel 28 in Austin, NV that would provide first service to 1,100 residents in the Austin area.

NY (New York)

File No. 90038 CRB WSKG Public T/C Council, 531 Gates Road, Vestal, NY 13850. Signed By: Mr. Michael J. Ziegler, President and CEO. Funds Requested: \$181,162. Total Project Cost: \$241,550. To activate a public radio station in Oneonta, NY. The new station will operate on 91.7 MHz with an ERP of 1.4 kW. Its schedule will be a mix of programming from public station WSKG-FM, in Vestal, and programming produced locally. The station will bring the first full-service public radio signal to nearly 45,000 residents of the Oneonta region.

File No. 90084 CRB St. Lawrence University, Park Street, Payson Hall, Canton, NY 13617. Signed By: Ms. Ellen Rocco, General Manager. Funds Requested: \$57,150. Total Project Cost: \$79,150. To install three FM repeater stations in Adirondack Mtn. communities to retransmit the signal of public station WSLU-FM, licensed to St. Lawrence University, Canton. The three new stations will bring the first public radio signal to approximately 250,000 residents of the Adirondack region. The stations will be located in: Peru, in Clinton Co. (200w); Blue Mtn. Lake, in Hamilton Co. (110w); and North Creek, in Warren Co. (200w).

File No. 90087 CTB Western NY Public Brdcstg Assoc., 184 Barton Street, Buffalo, NY 14213. Signed By: Mr. J.

Michael Collins, President. Funds Requested: \$267,794. Total Project Cost: \$535,588. To purchase a studio lighting system for the new studios of public television station WNED, Channel 17, Buffalo. The project will also install microwave equipment to link the new studios, which will be located in downtown Buffalo, with WNED's transmitter and satellite earth station facility.

File No. 90211 CRB Western NY Public Brdcstg Assoc., 23 North Street, Buffalo, NY 14202. Signed By: Mr. J. Michael Collins, President. Funds Requested: \$78,540. Total Project Cost: \$104,720. To construct an FM repeater station to serve Jamestown. The station will retransmit the signal of public radio station WNED-FM, Buffalo. The new station will bring the first public radio service to over 150,000 residents of the Jamestown area. It will operate on 89.7 MHz with an ERP of 6 kW.

File No. 90230 CTB NE NY Public T/C Council, Inc., One Sesame Street, Plattsburgh, NY 12901. Signed By: Mr. Gerald K. Bates, President & General Manager. Funds Requested: \$385,224. Total Project Cost: \$550,324. To purchase a new transmission system for public television station WCFE, Channel 57, Plattsburgh, which brings the sole public TV service to most of northeast New York State. The project would replace WCFE's 21-year-old transmitter and install an antenna, tower, and feedline. The equipment would cure a problem of frequent outages caused by lightning strikes at WCFE's remote transmitter site. The project would also purchase stereo and SAP channel equipment.

File No. 90239 CRB WMHT Educ. Telecommunications, 17 Fern Avenue, Schenectady, NY 12301-0017. Signed By: Mr. William E. Haley, Jr., President & General Manager. Funds Requested: \$14,443. Total Project Cost: \$28,885. To replace the STL system of public radio station WMHT-FM, which operates on 89.1 MHz in Schenectady. WMHT-FM's present STL system will not be type-acceptable under the revised FCC STL frequency assignments.

File No. 90273 CTB Educational Broadcasting Corp., 356 West 58th Street, New York, NY 10019. Signed By: Mr. George L. Miles, Jr., Chief Operating Officer. Funds Requested: \$246,000. Total Project Cost: \$492,000. To purchase four studio camera systems for public television station WNET, Channel 13, New York City. The items requested would replace worn-out and malfunctioning systems. WNET's signal reaches approximately 17 million residents of New York, New Jersey and Connecticut.

File No. 90291 CTB Pub. Brdcstg Coun. of Central NY, 506 Old Liverpool Rd., Syracuse, NY 13220-2400. Signed By: Mr. Richard W. Russell, President & General Manager. Funds Requested: \$183,840. Total Project Cost: \$367,680. To purchase a modification kit for the transmitter of public television station WCNY, Channel 24, Syracuse. The transmitter modification will allow the station to realize substantial annual savings in utility power expenses. The project will also purchase two $\frac{1}{2}$ " video tape recorders, with associated monitors and an audio mixer, to improve WCNY's in-house tape editing capability.

File No. 90299 CRB Radio Catskill, Route 52, Box 797, Jeffersonville, NY 12748. Signed By: Ms. Anne Larsen, President. Funds Requested: \$23,450. Total Project Cost: \$31,267. To purchase equipment required to increase the transmission power of noncommercial radio station WJFF-FM, 90.5 MHz, which serves Sullivan County from Jeffersonville. The increase, from 3.5 kW to 5 kW, would bring WJFF-FM's service to an additional 27,100 unserved residents of the area. The project will also purchase equipment for remote production, a news studio, and a second production studio.

OH (Ohio)

File No. 90006 CTB Ohio University T/C Center, 9 South College Street, Athens, OH 45701. Signed By: Mr. T. Lloyd Chestnut, Associate Provost. Funds Requested: \$792,110. Total Project Cost: \$1,584,220. To improve WOCU-TV, Channel 44 serving Cambridge, by replacing worn-out and obsolete transmitter, antenna and STL. Request includes stereo for both WOCU-TV and WOUB-TV, Channel 20 serving Athens.

File No. 90081 CTB Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Mr. Dale K. Ouzts, General Manager. Funds Requested: \$583,625. Total Project Cost: \$1,167,250. To improve WPBO-TV, serving Portsmouth, by replacing the transmitter which is no longer manufactured, and the antenna. Both items requested are obsolete and inefficient.

File No. 90195 CTB Ed TV Assoc. of Metro Cleveland, 4300 Brookpark Road, Cleveland, OH 44134. Signed By: Ms. Betty Cope, President and General Manager. Funds Requested: \$130,300. Total Project Cost: \$260,600. To improve WVIZ-TV Channel 25 serving Cleveland by replacing an obsolete switcher.

File No. 90258 CTB Public Brdcstg Fdn. of NW Ohio, 136 No. Huron St., Box 30, Toledo, OH 43692. Signed By: Mr. Thomas K. Paine, Vice President. Administration. Funds Requested:

\$51,125. Total Project Cost: \$102,250. To improve WGTE-TV, Channel 30 serving Toledo, by replacing obsolete and malfunctioning production equipment. Requested equipment includes audio console, audio and video tape recorders.

File No. 90259 CRB Public Brdcstg Fdn. of NW Ohio, 136 N. Huron Street, Box 30, Toledo, OH 43692. Signed By: Mr. Thomas K. Paine, Vice President, Administration. Funds Requested: \$4,195. Total Project Cost: \$8,390. To improve WGTE-FM in Toledo by replacing the STL.

OK (Oklahoma)

File No. 90009 CTB Rogers State College, Will Rogers and College Hall, Claremore, OK 74017. Signed By: Dr. Richard H. Mosier, President. Funds Requested: \$536,799. Total Project Cost: \$1,073,598. To expand the coverage of public television station KXON-TV, Channel 35 in Claremore by increasing the station's power. Station would increase power from 70.8 Kilowatts to 2.6 Megawatts. Power increase will complement a new 1,000' tower (which will double current height) which is being funded solely by KXON-TV. This project will consist of a new transmitter system, antenna, line and related as well as necessary test equipment. Station will serve the educational/instructional programming needs of approximately 805,268 people in the expanded coverage area.

File No. 90073 CTN McCurtain County Ed. Net., Inc., 108 W. 5th, Broken Bow, OK 74728. Signed By: Ms. Kay Steele, Executive Vice-President. Funds Requested: \$600,000. Total Project Cost: \$800,000. To construct a fully interactive distance learning system in McCurtain County. The project would provide interactive interconnection among five high schools, a vo-tech school and a higher education learning center. The facility will utilize leased telephone company fiber optic lines as well as cable television facilities to link the schools. Currently operating Low Power Television station K28DE will be linked to the new network. The facility will provide service to approximately 3,000 persons.

File No. 90169 CTN OK Panhandle State University, A&M Street/P.O. Box 430, Goodwell, OK 73939. Signed By: Dr. Robert L. Griffin, President. Funds Requested: \$280,468. Total Project Cost: \$560,937. To establish a broadcast quality studio to be connected with a fiber optic network under construction in OK, KS, CO, NM and TX. The fiber optic network is being constructed with local funds. The proposed studio will be a central point for reception, production

and dissemination of educational/instructional programming. In addition to the studio equipment, the project also includes a 7.3 meter satellite reception dish and test equipment. The network will provide a first public telecommunications service to some of the proposed rural areas.

OR (Oregon)

File No. 90044 CRB Oregon Public Broadcasting Comm., 7140 S.W. Macadam Avenue, Portland, OR 97219. Signed By: Mr. Maynard Orme, Executive Director. Funds Requested: \$30,500. Total Project Cost: \$61,000. To improve the transmission system of public radio station KOAC-AM, operating on 550 MHz in Corvallis, by replacing a 48 year old phase control unit and ground system needed to provide public radio service to 1,800,000 residents of central Oregon.

File No. 90190 CTB Southern Oregon Public TV, Inc., 34 South Fir Street, Medford, OR 97501. Signed By: Mr. Arthur R. Knoles, Vice President & Gen. Manager. Funds Requested: \$84,892. Total Project Cost: \$113,190. To extend and improve the transmission capabilities of public television station KSYS-TV, operating on Channel 8 in Medford, by installing a translator in Ashland, to provide a first service to 5,500 residents and by replacing obsolete transmission facilities to better serve the residents of southwestern Oregon.

File No. 90201 CRB Southern Oregon State College, Ashland, OR 97520. Signed By: Ms. Wilma L. Foster, Secretary. Funds Requested: \$89,718. Total Project Cost: \$119,625. To upgrade the programming and transmission capability of public radio station KSOR-FM, operating on 90.1 in kHz, Ashland, by installing a consolidated master control room for network operation of six satellite stations and 34 translators throughout Southern Oregon and Northern California.

PA (Pennsylvania)

File No. 90001 CRB Middletown Area School District, 55 West Water Street, Middletown, PA 17057. Signed By: Mr. Leon R. Calabrese, Superintendent of Schools. Funds Requested: \$15,000. Total Project Cost: \$20,000. To upgrade and improve the transmission capability of noncommercial radio station WMSS-FM, operating on 91.1 MHz in Middletown, by replacing the FM transmitter.

File No. 90016 CTB Public Broadcasting of NW PA, 8425 Peach Street, Erie, PA 16509. Signed By: Mr. Christopher Zimmerman, President and General Manager. Funds Requested:

\$446,750. Total Project Cost: \$893,500. To upgrade and improve the transmission and production capabilities of public television station WQLN-TV operating on Channel 54 in Erie, by replacing a worn-out and obsolete transmitter and master control switcher.

File No. 90060 CTB Pennsylvania State University, 202 Wagner Building, University Park, PA 16802. Signed By: Mr. Richard E. Grubb, Sr. V.P. & Dean, Cmmwlth.Ed.Sys. Funds Requested: \$195,541. Total Project Cost: \$391,082. To upgrade and improve the production facilities of public television station WPSX-TV, operating on Channel 3 in Clearfield, by replacing an obsolete and maintenance-plagued production and broadcast control switcher and four remote production cameras.

File No. 90094 CRB Cabrini College, 610 King of Prussia Road, Radnor, PA 19087-3699. Signed By: Ms. Eileen Currie, President. Funds Requested: \$243,989. Total Project Cost: \$325,319. To construct a new noncommercial FM radio station in Radnor Township, Villanova, PA that would provide an educational programming service to a rapidly growing college-age population in the suburbs west of Philadelphia.

File No. 90140 CTB QED Communications, 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. Lloyd Kaiser, President. Funds Requested: To improve the programming capabilities of public television station WQEX-TV, operating on Channel 18 in Pittsburgh, by replacing two field videotape recorders and adding a routing switcher and two studio videotape machines.

File No. 90141 CRB QED Communications, 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. Lloyd Kaiser, President. Funds Requested: To extend the signal of public radio station WQED-FM operating on 89.3 MHz in Pittsburgh, by constructing a FM translator in Johnstown that would bring a first service public radio signal to that area. The project would also fund portable remote recording equipment to be used in conjunction with the Johnstown translator.

File No. 90183 CRB Temple University, 100 Annenberg Hall 011-00, Philadelphia, PA 19122. Signed By: Mr. H. Patrick Swygert, Executive Vice President. Funds Requested: \$343,965. Total Project Cost: \$525,913. To extend the signal of public radio station WRTI-FM operating on 90.1 MHz in Philadelphia, by constructing FM repeater stations in Summerdale, PA, Jackson Township, PA, Ocean City, NJ, and Dover, DE, and a FM translator in York-East York, PA. This project would

also construct microwave links between the sites and equip the Summerdale facility for local origination. This project would bring a first service public radio signal to 392,500 listeners.

PR (Puerto Rico)

File No. 90021 CRB Catholic Univ. of Puerto Rico, Avenida Las Americas, Ponce, PR 00731. Signed By: Mr. Tosello Giangiacomo, Vice President. Funds Requested: \$21,376. Total Project Cost: \$42,752. To improve the transmission and production capability of public radio station WEUC-FM, operating in Ponce, by adding a backup STL, additional studio production equipment and remote broadcast capability to better serve the 2,000,000 residents of Puerto Rico.

File No. 90083 CTB Puerto Rico Public Brdcstg Corp., Ave. Hostos, Hato Rey, PR 00917. Signed By: Ms. Carmen Junco, Interim Executive Director. Funds Requested: \$722,950. Total Project Cost: \$1,445,900. To reestablish the production and transmission control facilities of public television station WIPM-TV, operating on channel 3, Mayaguez, by replacing obsolete apparatus used to deliver programming to the western half of the island.

File No. 90143 PTN Fundacion Educ. Ana G. Mendez, State Road 176 KM 0.3, Cupey, Rio Piedras, PR 00928-1404. Signed By: Mr. Luis E. Perez, Acting President. Funds Requested: \$59,100. Total Project Cost: \$59,100. To plan for the development of an ITFS system operating through WMTJ-TV, Channel 40 Rio Piedras, to provide work place training and retraining service at sites throughout the island.

File No. 90247 CRB University of Puerto Rico, Ponce de Leon Ave. & Pastrana St, Rio Piedras, PR 00931. Signed By: Mr. Juan R. Fernandez, Chancellor. Funds Requested: \$66,506. Total Project Cost: \$88,674. To upgrade the production and transmission capability of public radio station WRTU-FM, operating on 89.7 MHz San Juan, by installing a satellite receive dish and associated production equipment to receive the first NPR programming available on the island.

File No. 90252 CTB Fundacion Educ. Ana G. Mendez, State Road 176 KM 0.3, Cupey, Rio Piedras, PR 00928-1404. Signed By: Mr. Luis E. Perez, Acting President. Funds Requested: \$441,044. Total Project Cost: \$588,059. To improve the transmission capability of public television station WMTJ-TV, operating on Channel 40, Rio Piedras, by replacing their existing transmitter to improve the signal to 2,100,000 residents of the greater San Juan area.

SC (South Carolina)

File No. 90298 CTB SC Educational TV Commission, 2712 Millwood Ave., Drawer L, Columbia, SC 29205. Signed By: Mr. Robert Frierson, Senior Vice President. Funds Requested: \$368,235. Total Project Cost: \$736,470. To support replacement of worn-out production equipment in two main studios and control rooms at the main production center of the South Carolina Educational Television Network in Columbia. The South Carolina ETV Network consists of 11 stations providing cultural, educational, and other programming to schools, colleges, and other institutions.

SD (South Dakota)

File No. 90013 CTN Elm Valley School Dist. No. 6-2, No. 1 Main Street, Box 37, Barnard, SD 57426. Signed By: Mr. Leighton Getty, Superintendent. Funds Requested: \$600,187. Total Project Cost: \$1,200,375. To establish an interactive telecommunications system linking ten public school districts covering parts of three counties in SD. System will consist of Instructional Television Fixed Service facilities interconnected via interactive microwave. Project will initially serve Brown, Spink and the western portion of Day counties in central, northeast SD.

File No. 90097 PTB Rosebud Sioux Tribe, P.O. Box 430, Rosebud, SD 57570. Signed By: Mr. Ralph Moran, RST Chairman. Funds Requested: \$39,073. Total Project Cost: \$39,073. To plan the possible establishment of a Low Power Television station on the Rosebud Indian Reservation. Activities would include channel search, site location, equipment list selection and applications preparation.

File No. 90133 CRB State Bd. of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry D. Miller, Deputy Executive Director. Funds Requested: \$115,500. Total Project Cost: \$154,000. To activate a new public radio station on 102.5 MHz in Martin. Station will serve the southwestern part of SD and adjacent portions of NE. Station will broadcast the state public radio network signal distributed from KUSD-AM/FM in Vermillion.

File No. 90180 CTB State Board of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry D. Miller, Deputy Executive Director. Funds Requested: \$203,187. Total Project Cost: \$406,375. To improve public television station KUSD-TV, Channel 2, in Vermillion by replacing an old transmitter, transmission line and related equipment. Current transmitter is an RCA model purchased in 1967 and parts are difficult to obtain. KUSD-TV

seeks new transmitter w/diplexer, line, ventilation system, spare parts kit for transmitter and miscellaneous related items. KUSD-TV is the "flagship station" of the SD public television network and serves approximately 442,195 residents.

File No. 90196 CRB ST Bd of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry D. Miller, Deputy Executive Director. Funds Requested: \$85,000. Total Project Cost: \$170,000. To improve the facilities of public radio stations KESD-FM, 88.3 MHz, in Brookings and KUSD-FM, 89.7 MHz, in Vermillion. Project would install a new transmitter for KESD-FM and a new transmitter and antenna at KUSD-FM, the network's Flagship station. The new KUSD-FM antenna would be circularly polarized. Project would improve the signal to east central and southeastern SD.

File No. 90244 CRB Lakota Communications, P.O. Box 150, Porcupine, SD Signed By: Mr. Wilson Two Lance, Manager. Funds Requested: \$18,807. Total Project Cost: \$25,076. To improve public radio station KILI-FM, 90.1 MHz, in Porcupine by replacing worn-out origination and production equipment. KILI-FM serves the Pine Ridge Indian Reservation and by using a series of FM translators is able to reach about 150,000 people. Among items being replaced are microphones, recorders, CD players, record cleaners, headphones and a variety of similar items.

File No. 90263 PTB Cheyenne River Sioux Tribe, Box 940, Eagle Butte, SD 57625. Signed By: Mr. Wayne Ducheneaux, Chairman. Funds Requested: \$50,000. Total Project Cost: \$52,100. To plan for the establishment of a public television station to serve Dewey and Ziebach Counties and Dupree, SD. The ability to broadcast a public television signal reservation-wide is the goal of the project. The population of the Cheyenne River Sioux Indian Reservation is approximately 10,000.

File No. 90266 CTB State Board of Dir. for Educ. TV, 414 East Clark Street, Vermillion, SD 57069. Signed By: Mr. Larry D. Miller, Deputy Executive Director. Funds Requested: \$93,750. Total Project Cost: \$125,000. To activate a new 1,000 watt public television station on Channel 23 in Sioux Falls. Station will repeat the South Dakota Public Television Network and will improve the signal coverage in the Sioux Falls area.

TN (Tennessee)

File No. 90026 CRB Mid-South Pub. Comm. Foundation, 900 Getwell St., P.O. Box 241880, Memphis, TN 38124-1880.

Signed By: Mr. Daniel L. Campbell, Station Manager. Funds Requested: \$144,000. Total Project Cost: \$192,000. To support construction of a first-service public radio station to serve the city of Dyersburg in western Tennessee.

Approximately 136,056 persons live within the 1 mV/m contour of the proposed station (with approximately 300,000 persons living in the total area of west TN, eastern AR, and southern KY and MO to be served). Project will purchase a transmitter, remote unit, STL link, and antenna, and will operate initially as a satellite of WKNO-FM in Memphis.

File No. 90117 CTB Metropolitan Bd of Public Educ., 2801 Bransford Avenue, Nashville, TN 37204. Signed By: Mr. Charles O. Frazier, Director of Schools. Funds Requested: \$301,507. Total Project Cost: \$502,512. To support replacement of worn-out and obsolete videotape and videocassette recorders with one-inch videotape recorders and half-inch camcorders, decks, and related components. WDCN-TV, Channel 8, is the licensee of the Metropolitan Board of Education of Davidson County/Nashville.

File No. 90275 CTB West Tennessee Public Television, Clement Hall/U. of TN at Martin, Martin, TN 38237. Signed By: Dr. Mike Branstetter, General Manager. Funds Requested: \$107,138. Total Project Cost: \$214,276. To support replacement of a 22-year-old microwave studio-to-transmitter (STL) system at public television station WLJT-TV, Channel 11, in Martin, addition of remote control and completion of the installation of stereo audio to the new transmitter, and acquisition of a portable microwave system for the remote production unit.

TX (Texas)

File No. 90045 CTB North Texas Public Brdcstg., Inc, 3000 Harry Hines Blvd., Dallas, TX 75201. Signed By: Mr. Richard J. Meyer, President. Funds Requested: \$51,342. Total Project Cost: \$102,685. To improve public television station KERA-TV, Channel 13, in Dallas by replacing a worn-out, 20 year old studio-to-transmitter link. Station serves approximately 4 million residents of Dallas and the surrounding areas as well as those receiving KERA-TV by cable TV.

File No. 90051 CTB Amarillo Jr. College District, 2408 So. Jackson/P.O. Box 447, Amarillo, TX 79178. Signed By: W.L. Prather, V.P., Business & Development. Funds Requested: \$112,798. Total Project Cost: \$187,997. To improve the facilities of public television station KACV-TV, Channel 2, in

Amarillo. KACV-TV would acquire dissemination, origination and test equipment that it was unable to purchase when the station was activated. Equipment includes: video processing amplifier, time base corrector, $\frac{3}{4}$ " VTR, monitors, still store, routing switch expansion. In addition, $\frac{1}{2}$ " field recorders, $\frac{3}{4}$ " editing system and test equipment are being requested. Station signed on in August 1988 and provides only public television service to about 330,000 people in northern Texas panhandle.

File No. 90063 CTB Capital of TX Public T/C Council, 2504-B Whitis Street, Austin, TX 78705. Signed By: Mr. Bill Arhos, President. Funds Requested: \$163,477. Total Project Cost: \$326,955. To improve station KLRU-TV, Channel 18, in Austin by purchasing equipment which will allow the station to broadcast in stereo. In addition, KLRU-TV seeks to construct a new edit/auxiliary control room. By upgrading to stereo capability, the station intends to implement dual language broadcasting. KLRU-TV serves approximately 920,322 in the Austin area.

File No. 90078 CTN Austin Community College, P.O. Box 140526, Austin, TX 78714. Signed By: Mr. Dan Angel, President. Funds Requested: \$395,446. Total Project Cost: \$790,892. To activate a new Instructional Television Fixed Service in Austin. Four channel system could potentially serve approximately 653,348 residents that are of working age in the proposed service area. Proposal will initially have six receive sites consisting of four high schools and two cable television companies. Additional sites are to be added during the first five years of operation. Students will be able to respond to the instructor by using an existing two-way audio system.

File No. 90099 CTN El Paso Community College, 919 Hunter Dr., El Paso, TX 79915. Signed By: Mr. Robert E. Shepack, President. Funds Requested: \$306,870. Total Project Cost: \$416,059. To activate a new Instructional Television Fixed Service facility to be located on the Valle Verde campus of the college. Facility will have the capability of reaching fifteen receive sites in the El Paso SMSA during the first phase of the operation. In addition, the ITFS programming will also be carried on the local cable television facility.

File No. 90100 CRB RGV Educational Broadcasting Inc, 1701 Tennessee Ave., P.O. Box 2147, Harlingen, TX 78551. Signed By: Mr. Randall Feldman, President & General Manager. Funds Requested: \$140,670. Total Project Cost: \$187,561. To activate a new public radio station on 88.1 MHz in McAllen. The proposed station will provide a first

public radio signal to approximately 182,623 residents of Hidalgo County. The McAllen station will essentially rebroadcast the new Harlingen public radio station but will have limited local origination. In addition, RGV seeks funding of a transmitter-to-studio link and surge protector which were overlooked in their 1989 PTFP grant. The 1989 PTFP grant was to construct the new public radio station in Harlingen.

File No. 90113 PTN Collin County Cmnty Coll. Dist., 2200 W. University, McKinney, TX 75070. Signed By: Dr. John Anthony, President. Funds Requested: \$22,904. Total Project Cost: \$43,254. To plan for the establishment of public telecommunications facilities which would be used for instructional purposes. Project would create a master plan for construction and use of telecommunications facilities for the expanded needs of the college.

File No. 90150 CTB Alamo Public Telecomm. Council, 801 South Bowie, San Antonio, TX 78205. Signed By: Ms. Joanne Winik, President and General Manager. Funds Requested: \$87,103. Total Project Cost: \$174,206. To improve the facilities of public television station KLRU-TV, Channel 9, in San Antonio by replacing worn-out origination equipment. KLRU-TV will replace field tape recorder, character generator, picture and waveform monitors and acquire audio test equipment. In addition, KLRN-TV seeks dissemination equipment to convert the station to stereo. Station serves approximately 2,000,000 residents in the San Antonio area plus those receiving the signal by cable television.

File No. 90206 CRB Texas A&M University, Building 519, Houston Street, College Station, TX 77843. Signed By: Dr. Donald McDonald, Provost. Funds Requested: \$75,000. Total Project Cost: \$150,000. To expand and improve the signal of public radio station KAMU-FM, 90.9 MHz, in College Station. Project would increase the power from 3.21 to 32 kilowatts ERP and thus increase the signal coverage by 158 percent. Station also seeks to replace old equipment with two audio consoles, three reel/reel recorders and a routing switcher. KAMU-FM will replace an old audio test set and augment its facilities by purchasing three CD players and four DAT recorders. Proposed signal coverage will provide service to an additional 98,420 residents not currently receiving a public radio service.

File No. 90210 CRB University of Houston, 3801 Cullen, Entrance No. 16, Houston, TX 77004. Signed By: Mr. John Proffitt, General Manager. Funds Requested: \$167,448. Total Project Cost: \$223,265. To activate a new public radio

station in Victoria which will repeat the signal of KUHF-FM in Houston. Proposed station will provide a first public radio service to approximately 74,896 residents of Victoria and surrounding areas.

File No. 90265 CTB El Paso Public TV Found., Inc., Educational Bldg., Rm. 206, El Paso, TX 79968. Signed By: Mr. John M. Kasdan, General Manager. Funds Requested: \$110,400. Total Project Cost: \$220,800. To improve the facilities of public television station KCOS-TV, Channel 13, in El Paso by replacing worn out equipment. KCOS-TV seeks to replace an old outdated studio-to-transmitter link, a master control switcher and a still store. In addition, KCOS-TV seeks to improve its signal by converting to stereo. KCOS-TV provides the only public television service to approximately 600,000 residents of El Paso and the surrounding areas.

UT (Utah)

File No. 90047 CRB University of Utah, 104 Kingsbury Hall, Salt Lake City, UT 84112. Signed By: Dr. Ted R. Capener, V.P. for University Relations. Funds Requested: \$36,980. Total Project Cost: \$73,960. To improve the production facilities of public radio station KUER-FM operating on 90.1 MHz, by replacing aging and worn audio tape record and playback equipment.

File No. 90197 CRB Utah State University, 745 North 1200 East, Logan, UT 84322-8505. Signed By: Mr. M.K. Jeppesen, Director, Contracts/Grants. Funds Requested: \$15,582. Total Project Cost: \$20,775. To extend the signal of public radio station KUSU-FM operating on 91.5 MHz in Logan, UT southeast to Moab, UT by constructing three FM translators near the communities of Provo, Carbon and Emery.

File No. 90199 CRB Moab Public Radio, Inc., 895 Oak Street, Moab, UT 84532. Signed By: Ms. Susanne Mayberry, Chairman of the Board. Funds Requested: \$85,770. Total Project Cost: \$114,360. To activate a noncommercial FM radio station operating on 89.7 MHz that will provide first local origination capacity in the area.

File No. 90278 CTB University of Utah, 205 Talmage Building, Salt Lake City, UT 84112. Signed By: Dr. Ted R. Capener, V.P. for University Relations. Funds Requested: \$597,047. Total Project Cost: \$796,062. To extend the signals of Salt Lake City, UT public television stations KUED-TV (Channel 9) and KULC-TV (Channel 7) by constructing translators at Henrieville, Park City, St. George, Cedar City, Price and rural Summit County. The project would also

construct microwave extensions of the statewide interactive EDNET system to school districts in three rural, isolated counties of southeastern Utah, equipping three high schools with two-way video conferencing equipment.

VA (Virginia)

File No. 90111 CRB Virginia Tech Foundation, Inc., 4235 Electric Road SW., Roanoke, VA 24014. Signed By: Mr. Charles M. Forbes, Executive Vice President. Funds Requested: \$205,533. Total Project Cost: \$274,044. To extend the service of public radio station WVTF, operating on 89.1 MHz in Roanoke, VA, by constructing a repeater station operating on 91.9 MHz in Marion, VA. The station will provide first public radio service to 139,000 people living in eight counties in Virginia and North Carolina.

File No. 90166 CTB Central VA Educ. T/C Corporation, 8101-A Lee Highway, Falls Church, VA 22042. Signed By: Mr. Dan P. Ward, Corporate Vice-President. Funds Requested: \$32,594. Total Project Cost: \$65,189. To improve the facilities of public television station WNVT, Goldvein, VA by purchasing test equipment required to maintain the station's transmitter and to ensure continued service to 1.5 million people in northern Virginia and in the Washington DC metropolitan area.

File No. 90179 CRB Hampton Roads Ed. T/C Assn. Inc., 5200 Hampton Boulevard, Norfolk, VA 23508. Signed By: Mr. John R. Morison, President and General Manager. Funds Requested: \$113,174. Total Project Cost: \$150,899. To improve the production capabilities of WHRO-FM, operating on 89.5 MHz, Norfolk, VA, by replacing obsolete audio recorders, microphones, turntables, CD players and speakers. The project will also provide a routing switcher to enable audio signal distribution throughout the station and with station WHRV-FM, also operated by the applicant. WHRO-FM serves 1.4 million people in southeastern Virginia.

File No. 90184 CTB Central VA Educ. TV Corp., 23 Sesame Street, P.O. Box 35026, Richmond, VA 23235-0026. Signed By: Mr. Richard E. Hall, Vice President, Broadcasting. Funds Requested: \$160,468. Total Project Cost: \$320,937. To support augmentation and expansion of production facilities at public television stations WCVF, operating on Channel 23, and WCVW, operating on channel 57, and serving approximately 1,000,000 viewers in central Virginia. The project will purchase lighting equipment for a new production studio and replace obsolete video monitoring equipment.

File No. 90202 CTB National Captioning Institute, 5203 Leesburg Pike,

15th floor, Falls Church, VA 22041. Signed By: Mr. John E.D. Ball, President. Funds Requested: \$225,000. Total Project Cost: \$308,622. To support an increase in the National Captioning Institute's real-time captioning capabilities through the addition of 3 fully-equipped control rooms. NCI provides captioning services to public television and public affairs news programs, and serves an estimated 16 million hearing-impaired viewers nationally.

File No. 90234 CTB Hampton Roads Educ. T/C Assn., 5200 Hampton Boulevard, Norfolk, VA 23508. Signed By: Mr. John R. Morison, President and General Manager. Funds Requested: \$738,389. Total Project Cost: \$984,519. To improve the production capabilities of WHRO-TV, operating on Channel 15 in Norfolk, VA, by replacing obsolete cameras, character generator, production switcher, portable video recorders, audio consoles and related equipment. WHRO serves 1.6 million people in southeastern Virginia and northeast North Carolina.

File No. 90297 CTB Shenandoah Valley ETV Corp., 298 Port Republic Road, Harrisonburg, VA 22801. Signed By: Mr. Arthur E. Albrecht, President and General Manager. Funds Requested: \$63,646. Total Project Cost: \$127,292. To support improvement of the service of public television station WVPT-TV, Channel 51, serving Harrisonburg, VA, and the counties of Rockbridge, Augusta, Rockingham, and Shenandoah (along with 12 additional counties and municipalities via cable and translators), by replacing an obsolete master control telecine video camera and studio audio console.

VI (Virgin Islands)

File No. 90212 CTB Virgin Islands Public TV System, P.O. Box 7879, Barbel Plaza, Charlotte Amalie, VI 00801. Signed By: Mr. Patrick N. Williams, Chairman, Board of Directors. Funds Requested: \$214,829. Total Project Cost: \$286,439. To upgrade the production and transmission capability of public television station KTJX-TV, operating on Channel 12, St. Thomas, by replacing equipment damaged or lost during the recent hurricane.

VT (Vermont)

File No. 90107 CTB Vermont ETV, Inc., 88 Ethan Allan Avenue, Colchester, VT 05446. Signed By: Mr. John E. King, Mgr., Finance & Administration. Funds Requested: \$375,968. Total Project Cost: \$501,290. To replace the transmitter and antenna at public TV repeater station WVTB, Channel 20, in St. Johnsbury, Caledonia Co. Both items have been in service for over 20 years. Station

WVTB-TV is part of the Vermont state public television system. The station provides the sole public TV service to most of the 67,000 residents of extreme northeast Vermont.

WA (Washington)

File No. 90015 CTB KCTS Association, 401 Mercer Street, Seattle, WA 98109. Signed By: Mr. Burnell F. Clark, CEO and President. Funds Requested: \$150,242. Total Project Cost: \$300,484. To upgrade the production capability of public television station KCTS-TV 9, Seattle, by replacing an obsolete production switcher used to provide programming to 3,000,000 residents of the Seattle/Tacoma area.

File No. 90018 CRB Washington State University, Murrow Bldg., Administrative Dr., Pullman, WA 99164-2530. Signed By: Mr. Robert V. Smith, Vice Provost for Research/Dean. Funds Requested: \$198,159. Total Project Cost: \$264,213. To extend the signal of public radio station KFAE-FM, Richland, WA, operating on 89.1 MHz, by replacing and moving two 10-watt translators presently serving Ellensburg and Wenatchee, WA, with satellite repeaters, and placing those translators in the new communities of Grand Coulee, WA, and Cottonwood, ID, to provide a first public radio service to 80,300 persons.

File No. 90023 CRB WA Library for the Blind, 821 Lenora Street, Seattle, WA 98129. Signed By: Ms. Jan Ames, Chief Advocate. Funds Requested: \$12,492. Total Project Cost: \$24,985. To extend and improve the SCA services of Evergreen Radio Reading Service, Seattle, WA, by replacing two SCA generators, reel to reel recorders and acquiring additional receivers to better serve the print handicapped residents of Washington state.

File No. 90033 CRB The Evergreen State College, CAB 304, Olympia, WA. Signed By: Dr. Joseph Olander, President. Funds Requested: \$65,647. Total Project Cost: \$87,530. To improve the programming capability of public radio station KAOS-FM, operating on 89.3 MHz, by installing a satellite receiving dish and studio production equipment to better serve the 100,000 residents of the Olympia area.

File No. 90128 PTB The Tulalip Tribes, 6700 Totem Beach Road, Marysville, WA 98270. Signed By: Mr. Clarence H. Hatch, Executive Director. Funds Requested: \$26,400. Total Project Cost: \$26,400. To plan for the development of a cable access production studio for the Tulalip Indian Reservation cable system operating in Marysville, WA, to bring:

specialized programming to tribal areas of Puget Sound.

File No. 90226 CRB Pacific Lutheran University, 121st St. & Park Avenue, Tacoma, WA 98447. Signed By: Mr. William O. Rieke, President. Funds Requested: \$27,398. Total Project Cost: \$54,796. To improve the production and transmission capability of public radio station KPLU-FM, operating on 88.5 MHz, Tacoma, by replacing obsolete master control studio equipment used to serve the residents of northwest Washington state.

File No. 90235 CRB Jack Straw Foundation, 4261 Roosevelt Way NE., Seattle, WA 89105-6999. Signed By: Ms. Carmen Ray, Executive Director. Funds Requested: \$49,404. Total Project Cost: \$65,872. To extend and improve the signal of soon to be constructed public radio station KSER-FM, operating on 90.7 MHz, Everett, WA, by installing a satellite dish to bring national radio service to residents of King County.

File No. 90254 CRB Northern Sound Public Radio, 270 Bellingham Towers, Bellingham, WA 98225. Signed By: Mr. Patrick Conley, Manager. Funds Requested: \$28,605. Total Project Cost: \$38,141. To improve the programming capability of public radio station KZAZ-FM operating on 91.7 MHz in Bellingham, by installing a satellite receiving dish to receive NPR programming to better serve the residents of northwest Washington state.

File No. 90276 CTB Tacoma School District No. 10, 601 South 8th Avenue, Tacoma, WA 98402. Signed By: Mr. Benjamin A. Soria, Asst. Supt. Bus/Fin/Sup. Serv. Funds Requested: \$182,025. Total Project Cost: \$364,050. To improve the production and transmission capability of Public television station KTPS-TV, operating on Channel 28, Tacoma, and KCKA-TV operating on Channel 15 in Centralia, WA, by replacing obsolete studio and master control equipment to better serve the residents of the greater Seattle/Tacoma area.

File No. 90296 CRB Northern Sound Public Radio, 270 Bellingham Towers, Bellingham, WA 98225. Signed By: Mr. Patrick Conley, Manager. Funds Requested: \$95,975. Total Project Cost: \$127,969. To improve the programming capability of public radio station KZAZ-FM, operating on 91.7 MHz, by installing additional control, production and newsroom facilities to better serve the residents of northwest Washington state.

WI (Wisconsin)

File No. 90048 CTB University of Wisconsin, 821 University Avenue,

Madison, WI 53706. Signed By: Mr. Gerald L. Praedel, Admin. Officer, Res. Admin-Fin. Funds Requested: \$95,900. Total Project Cost: \$191,800. To improve the operation of WHA-TV, Channel 21 serving the Madison area by replacing obsolete and inefficient production equipment. Request includes audio mixing board, lighting package and stillstore.

File No. 90049 CTN WI Educational Communications Bd, 3319 W. Beltline Highway, Madison, WI 53713. Signed By: Mr. Paul M. Norton, Executive Director. Funds Requested: \$380,375. Total Project Cost: industry, K-12 school districts and other educational institutions in four rural counties. Twenty institutions form the consortium of participants. Equipment requested includes five transmit sites and production equipment.

File No. 90050 CRB White Pine Cmnty Broadcasting, 303 W. Prospect Street, Rhinelander, WI 54501. Signed By: Mr. Robert M. Fiocchi, President & Manager. Funds Requested: \$18,250. Total Project Cost: in Rhinelander, to increase WXPR's ERP to 100 kw. The project will also replace the antennas on WXPR's Wassau translator and purchase emergency broadcast transmission equipment. The project's main goal is to improve WXPR's signal within the present coverage area, but it will also bring a first public radio signal to about 6,000 residents of north central Wisconsin and the Michigan Upper Peninsula.

File No. 90286 CRB University of Wisconsin-Ext., 2420 Nicolet Drive, Green Bay, WI 54311-7001. Signed By: Mr. Gerald Praedel, Administrative Officer. Funds Requested: \$79,975. Total Project Cost: \$159,950. To expand and improve the signal of WGBW-FM serving the Green Bay area by replacing the transmitter and antenna and installing a tower.

WV (West Virginia)

File No. 90031 CTB West Virginia Library Commission, Cultural Center, Charleston, WV 25305. Signed By: Mr. Frederic J. Glazer, Director. Funds Requested: \$29,268. Total Project Cost: \$39,025. To support acquisition of equipment necessary to produce closed-captioned programs for a statewide audience of 129,000 hearing-impaired persons. Programs already archived by the library system, as well as programs to be acquired in cooperation with commercial and public television stations, will be closed-captioned and distributed to 178 libraries and through local cable systems.

File No. 90055 CTB West Virginia Library Commission, Cultural Center,

Charleston, WV 25305. Signed By: Mr. Frederic J. Glazer, Director. Funds Requested: \$54,484. Total Project Cost: \$72,645. To support equipping 29 library sites throughout West Virginia with satellite downlink facilities, allowing each site to receive graduate, undergraduate, and non-credit community education course offerings of SATNET (Satellite Network of West Virginia), and to use SATNET's non-credit teleconference series free of subscription charge. Satellite-equipped libraries would also be capable of using programming from any national teleconference provider.

File No. 90114 CRB West Virginia Library Commission, Cultural Center, Capitol Complex, Charleston, WV 25305. Signed By: Mr. Frederic J. Glazer, Director. Funds Requested: \$4,797. Total Project Cost: \$9,594. To assist the West Virginia Library Commission in providing higher quality and expanded radio reading services through the acquisition of a new control board and two recording machines. The new equipment will upgrade the quality of the present signal—disseminated on the subcarrier frequencies of four West Virginia Public Radio stations—and help prepare the Commission to expand its services into four more, previously unserved, areas.

WY (Wyoming)

File No. 90008 CRB Teton County School Dist. No. 1, 900 West Broadway, Jackson, WY 83001. Signed By: Mr. Raymond Partridge, Assistant Superintendent. Funds Requested: \$138,092. Total Project Cost: \$207,689. To activate a first service noncommercial FM radio station, and a first service FM translator near Teton Village that would serve the Jackson Hole/Yellowstone area of northwestern Wyoming.

Deferred Applications:

AK (Alaska)

File No. 90025 CRB, Old File Nos. 89004, University of Alaska, Fairbanks AK.

AL (Alabama)

File No. 90041 CRB, Old File Nos. 89279, 8303, 7002, 6013, Sable Community Brdcstg Corp, Hobson City AL.

File No. 90092 PRB, Old File Nos. 89280, WHIL-FM, Mobile AL.

CA (California)

File No. 90022 CRB, Old File Nos. 89064, 8226, California Lutheran Educ. Found., Thousand Oaks CA.

File No. 90052 CTB, Old File Nos. 89229, KTEH Foundation, San Jose CA.

File No. 90163 CRB, Old File Nos. 89277, Rural Cal. Broadcasting Corp., Rohnert Park CA.

File No. 90165 CRB, Old File Nos. 89038, 8010, 7038, KXOL Educational Corporation, Chico CA.

File No. 90236 CTB, Old File Nos. 89109, Community TV of Southern CA, Los Angeles CA.

File No. 90269 CTN, Old File Nos. 89147, California State University, Fullerton CA.

File No. 90283 CRB, Old File Nos. 89164, Redwood Community Radio, Inc., Garberville CA.

File No. 90294 CTB, Old File Nos. 89039, KMTF Channel 18, Inc., Fresno CA.

FL (Florida)

File No. 90024 CTB, Old File Nos. 89026, 8088, 7026, 6321, School Bd of Dade County, FL, Miami FL.

File No. 90070 CTB, Old File Nos. 89106, WJCT, Inc., Jacksonville FL.

File No. 90104 CTB, Old File Nos. 89165, The University of Florida, Gainesville FL.

File No. 90119 CTB, Old File Nos. 89178, 8046, Pensacola Junior College, Pensacola FL.

File No. 90161 CTB, Old File Nos. 89019, 8003, School Bd. of Pinellas County FL, Clearwater FL.

File No. 90262 CRB, Old File Nos. 89006, 8016, 7135, University of Central Florida, Orlando FL.

GA (Georgia)

File No. 90154 CTB, Old File Nos. 89121, Atlanta Board of Education, Atlanta GA.

File No. 90219 CRB, Old File Nos. 89122, 8220, 7062, Atlanta Board of Education, Atlanta GA.

IA (Iowa)

File No. 90231 CTN, Old File Nos. 89185, 8049, 7174, 6162, Eastern Iowa Community College, Davenport IA.

IL (Illinois)

File No. 90034 CTB, Old File Nos. 89048, Black Hawk College, Moline IL.

File No. 90054 CTB, Old File Nos. 89049, University of Illinois, Urbana IL.

File No. 90110 CRB, Old File Nos. 89132, 8077, Open Media Corporation, Chicago IL.

File No. 90159 CRB, Old File Nos. 89108, 8090, Northern Illinois University, DeKalb IL.

IN (Indiana)

File No. 90027 CTB, Old File Nos. 89020, 8161, SW Indiana Public Brdcstg, Inc., Evansville IN.

File No. 90115 CRB, Old File Nos. 89197, Metro Indianapolis PB, Inc., Indianapolis IN.

KS (Kansas)

File No. 90136 CRB, Old File Nos. 89205, Kanza Society Incorporated, Pierceville KS.

KY (Kentucky)

File No. 90042 CRB, Old File Nos. 89226, 8265, Appalshop, Inc., Whitesburg KY.

File No. 90088 CTB, Old File Nos. 89156, Fifteen Telecommunications, Inc., Louisville KY.

MD (Maryland)

File No. 90221 CTB, Old File Nos. 89099, Maryland Public Brdcstg Comm., Owings Mills MD.

MI (Michigan)

File No. 90010 CTN, Old File Nos. 89211, CTN, PACE Telecommunications Consort., Indian River MI.

File No. 90057 CRB, Old File Nos. 89238, Blue Lake Fine Arts Camp, Twin Lake MI.

File No. 90253 CTN, Old File Nos. 89129, 8250, Lake Superior State University, Sault Ste. Marie MI.

MN (Minnesota)

File No. 90125 CRB, Old File Nos. 89027, 8203, St. Olaf College, Northfield MN.

File No. 90151 CTB, Old File Nos. 89265, West Central MN Educ. TV Co., Appleton MN.

File No. 90225 CTN, Old File Nos. 89034, Karlstad Public School #353, Karlstad MN.

NM (New Mexico)

File No. 90007 CTN, Old File Nos. 89112, San Juan College, Farmington NM.

NV (Nevada)

File No. 90164 CTB, Old File Nos. 89180, Rural Television System, Inc., Carson City NV.

File No. 90204 PTB, Old File Nos. 89250, Rural Television System, Inc., Carson City NV.

NY (New York)

File No. 90036 CRB, Old File Nos. 89103, Colleges of the Seneca, Geneva NY.

File No. 90246 CTB, Old File Nos. 89130, WMHT Educ. Telecommunications, Schenectady NY.

OH (Ohio)

File No. 90203 CTB, Old File Nos. 89093, Greater Cincinnati TV Ed. Found., Cincinnati OH.

OR (Oregon)

File No. 90138 CRB, Old File Nos. 89046, Southern Oregon State College, Ashland OR.

File No. 90217 CRB, Old File Nos. 89052, KBOO Foundation, Portland OR.

File No. 90292 CTB, Old File Nos. 89080, Oregon Public Broadcasting Comm., Portland OR.

PA (Pennsylvania)

File No. 90004 CRB, Old File Nos. 89016, NE Pennsylvania ETV Assoc., Pittston PA.

PR (Puerto Rico)

File No. 90215 CTB, Old File Nos. 89075, Puerto Rico Public Brdcstg Corp., Hato Rey PR.

TN (Tennessee)

File No. 90003 CTB, Old File Nos. 89070, Greater Chattanooga PTV Corp., Chattanooga TN.

File No. 90064 CTB, Old File Nos. 89087, 8198, Upper Cumberland Broadcast Coun., Cookeville TN.

File No. 90233 CRB, Old File Nos. 89266, 8301, The Univ. of TN at Chattanooga, Chattanooga TN.

TX (Texas)

File No. 90293 CRB, Old File Nos. 89050, Austin Council of the Blind, Austin TX.

UT (Utah)

File No. 90053 CTB, Old File Nos. 89104, 8181, University of Utah, Salt Lake City, UT.

WA (Washington)

File No. 90186 CRB, Old File Nos. 89272, Spokane Public Radio, Spokane WA.

WY (Wyoming)

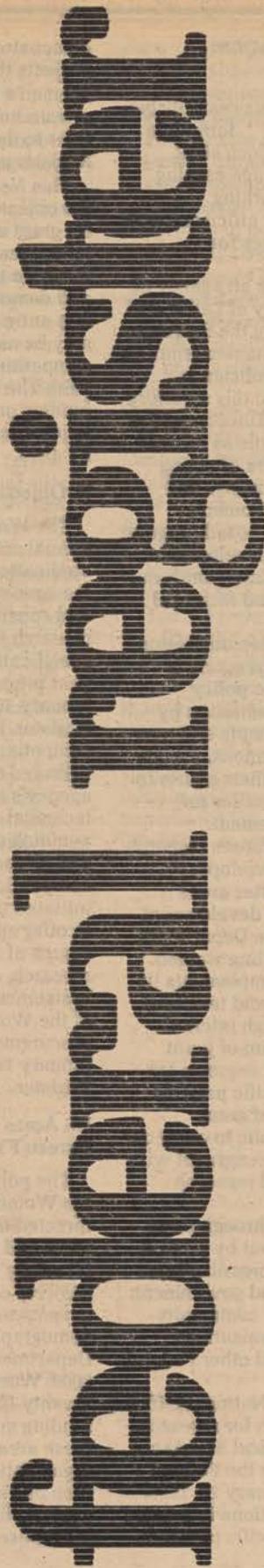
File No. 90101 CRB, Old File Nos. 89135, 89115, 89120, University of Wyoming, Laramie WY.

Scott M. Mason,
Chief, Management Branch.

[FR Doc. 90-7476 Filed 04-02-90; 8:45 am]

BILLING CODE 3510-80-M

Tuesday
April 3, 1990



Part III

Department of Labor

Office of the Secretary

Women's Bureau; Announcement of Competition for Grant Applications in Fiscal Year 1990; Notice

DEPARTMENT OF LABOR**Office of the Secretary****Women's Bureau; Announcement of Competition for Grant Applications in Fiscal Year 1990**

AGENCY: Office of the Secretary, Women's Bureau, Labor.

ACTION: Notice.

SUMMARY: The Women's Bureau, National Office (Washington, DC), announces application procedures for its annual competition for grant applications to conduct projects under the agency's research, demonstration and technical assistance program. The annual competition applies only to applications submitted to the Women's Bureau, National Office. It is anticipated that a total of \$140,000 may be awarded through the annual competition in Fiscal Year 1990 (October 1, 1989, through September 30, 1990). The Women's Bureau anticipates funding from one (1) to six (6) applications as a result of this Fiscal Year (FY) 1990 competition. Any organization or individual that is not debarred from receiving Federal grants is eligible to apply.

DATES: Grant applications which request funding in FY 1990 must be received by close of business (4:45 p.m., Eastern Standard Time), Monday, May 21, 1990, or be postmarked by the U.S. Postal Service on or before that date. Applications received after the deadline will be considered to be non-responsive and not reviewed. Notice of the action taken on all applications will be issued to applicants no later than August 15, 1990. Awards will be made before September 30, 1990. An announcement of selections made through this FY 1990 competition, by recipient and amount of award, will be published in the *Federal Register* by September 30, 1990.

ADDRESSES: Individuals and organizations interested in submitting grant applications for review under this FY 1990 competition must request in writing a copy of *Solicitation for Grant Application (SGA) #90-02* from the Office of Procurement Services, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-5220, Washington, 20210, Attention: Grant Officer.

FOR FURTHER INFORMATION CONTACT:

Ms. Dora E. Carrington, Chief, Office of Administrative Management, U.S. Department of Labor, Office of the Secretary, Women's Bureau, 200 Constitution Avenue NW., Room S-3305, Washington, DC 20210; telephone number: (202) 523-6606.

SUPPLEMENTARY INFORMATION:**I. Background**

The Women's Bureau was established by statute in 1920 to " * * * formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency and advance their opportunities for profitable employment."

The Women's Bureau is an agency of the Office of the Secretary of Labor and is responsible for advising the Secretary on the development and implementation of Department of Labor policies and programs as they relate to this statutory mandate. To support the Director of the Women's Bureau in her role as advisor to the Secretary on matters affecting women's employment, earnings and working conditions, the Women's Bureau conducts a broad-based program of research, information development and dissemination, legislation analysis, demonstration projects and technical assistance.

The Women's Bureau demonstration and technical assistance program is conducted to contribute to policy development and implementation by testing new program concepts and new techniques for assisting unions, private employers and others in their efforts to expand women's opportunities for employment and advancement. Likewise, the Women's Bureau research program is operated to develop knowledge in subject matter areas required to inform policy development and implementation in the Department of Labor on matters affecting women.

The Women's Bureau implements its research, demonstration and technical assistance program through internal staff initiatives, solicitation of grant applications (SGAs), and requests for proposals (RFPs) for specific projects and through solicitation of grant applications from the public to carry out other initiatives that are congruent with the agency's program and research priorities.

Projects implemented through these solicitations are carried out by private for-profit and non-profit organizations, agencies of State and local government, colleges and universities, community-based organizations, organizations representing workers, and other Federal agencies.

The Women's Bureau, National Office, FY 1990 procurement plan for research, demonstration and technical assistance projects was published in the *Federal Register* on Tuesday, January 16, 1990. Individuals and organizations interested in information on the specific research,

demonstration, and technical assistance projects that will be the subject of Women's Bureau, National Office, procurement plan in FY 1990 should refer to the January 16, 1990, *Federal Register* notice.

This Notice provides information on the objectives of the annual competition for grant applications to carry out other initiatives and describes the areas of focus for the Women's Bureau research and demonstration program in FY 1990. It is anticipated that a total of \$140,000 may be awarded through this competition for grant applications in FY 1990. The Women's Bureau anticipates funding one (1) to six (6) grant applications through the competition in FY 1990.

II. Objectives of the Annual Competition

The Women's Bureau is instituting an annual competition for grant applications in order to implement ideas the agency recognizes as policy-relevant and consistent with its program and research priorities but were not specifically provided for in the current year procurement plan described in the January 16, 1990, issue of the *Federal Register*. In this regard, the annual competition for grant applications is intended to broaden the base of the agency's research, demonstration, and technical assistance program while avoiding duplication of planned procurement activity. Thus, the annual competition for grant applications initiated by this Notice is not intended to offer an alternative or supplemental source of funding for the specific research, demonstration, and technical assistance projects that are the subject of the Women's Bureau, National Office, procurement program published in the January 16, 1990, issue of the *Federal Register*.

III. Areas of Focus for the Women's Bureau FY 1990 Policy and Program Plan

The policy and program activities of the Women's Bureau in FY 1990 will be directed to five areas: (1) Training; (2) work and family; (3) affirmative action; (4) safety and health; and (5) other subjects concerned with the developments in the labor market and demographic changes predicted by the Department of Labor report, "Workforce 2000: Work and Workers for the Twenty-first Century." Applications for funding must propose work in one of these areas of focus. Individuals and organizations wishing to apply in more than one area must submit a separate application for each area in which work is proposed.

The focus area, "Training," refers to subjects that pertain to the dynamics of how women and girls acquire the knowledge, skills and other attributes necessary to avoid difficulty in entering the labor force, develop a strong labor force attachment, advance in employment, and adapt to changing skill requirements over the course of their work lives. "Training" also refers to subjects that address how the policies of various institutions (e.g., schools, unions, employers, government) influence and shape these dynamics; and the relationship of training to earnings over the life cycle for different groups of women.

Over the last two decades, changes in the composition of households reflect significant increases in both dual earner households and families maintained by women. These changes have been driven by a long term trend of increasing labor force participation by women, the traditional caregivers for children and elderly family members. Thus, the focus area, "Work and Family," refers to subjects which address various aspects of the ability of workers (especially women) to manage the responsibilities of work and family. The area also includes subjects dealing with the effects of work and family issues on the operation of the labor market (both external and internal to the firm) for various classes of workers and how

these issues have affected the human resource policies of employers.

"Affirmative Action" refers to the efforts of private employers and government to assure that employee selection, compensation and promotion systems operate to facilitate women's full utilization and avoid perpetuation of the effects of past sex discrimination in the labor market.

"Safety and Health" encompasses subjects related to establishing and maintaining work environments and working conditions to prevent safety and health risks that are specific to women.

The report, "Workforce 2000: Work and Workers for the Twenty-first Century," predicts a number of significant labor market developments by the Year 2000. Among these expected developments are demographic changes that will result in women, Blacks, and immigrants providing most of the net growth in the labor force through the end of the century, changes on the demand side of the labor market that will require higher levels of quantitative, communications and reasoning skills than in the past and the need for workers to be more flexible in an economy where skill requirements can shift rapidly. Internationalization of labor markets will provide part of the impetus for the need for greater worker flexibility as well as the fact that the

workplace is expected to become more autonomous and technological. The implications of these and other predicted developments provide the context for the range of subjects included in the area of focus referred to as "Other Subjects Concerned With Developments in the Labor Market."

Individuals and organizations interested in submitting grant applications for review under the FY 1990 competition should request a copy of SGA #90-02 from the Office of Procurement Services, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-5220, Washington, DC 20210, Attention: Grant Officer. Any individual or organization not debarred from receiving Federal grants is eligible to apply. Applications must be received by close of business (4:45 p.m., Eastern Standard Time), Monday, May 21, 1990, or be postmarked by the U.S. Postal Service on or before that date. Proposals received after the deadline that were not postmarked by the U.S. Postal Service on or before Monday, May 21, 1990, will be considered to be nonresponsive and will not be reviewed.

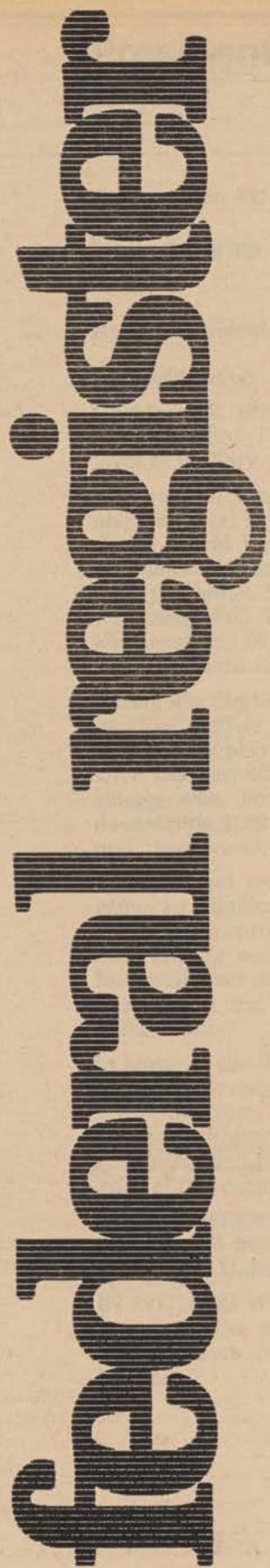
Signed at Washington, DC, this 28th day of March 1990.

Jean M. Curtis,
Acting Director, Women's Bureau.

[FR Doc. 90-7624 Filed 4-2-90; 8:45 am]

BILLING CODE 4510-23-M

Tuesday
April 3, 1990



Part IV

The President

Proclamation 6111—United States Naval
Reserve Month, 1990

1000/T/1969
April 2, 1969

THE PRESIDENTIAL
CAMPAIGN OF 1968

Part IV
THE PRESIDENTIAL
CAMPAIGN OF 1968

REVIEW AND OUTLOOK

Presidential Documents

Title 3—

Proclamation 6111 of March 30, 1990

The President

United States Naval Reserve Month, 1990

By the President of the United States of America

A Proclamation

On March 3, 1915, the Congress enacted legislation establishing the Federal Navy Reserve. That act has enabled the United States to remain at a high level of military preparedness in times of peace, as well as in times of crisis.

Hundreds of thousands of Americans have served this Nation proudly and ably as Naval Reservists. More than 600,000 Naval Reservists rallied to action during World War I. During the Second World War, when the United States was embroiled in a life-and-death struggle to defend freedom and democracy from the brutal forces of totalitarianism, 80 percent of our Naval personnel were reservists. Whenever the lives of innocent people have been threatened, whenever any of our other national interests have been at stake, our reservists have demonstrated clearly their value as part of America's fighting forces.

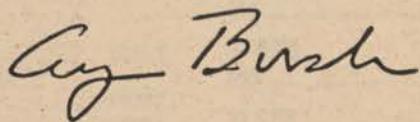
During the Berlin Crisis, the Korean and Vietnam conflicts, the Mayaguez incident, and in Grenada, the Persian Gulf, and Panama, Naval Reservists consistently played vital roles in advancing our national objectives. Yet they have also provided invaluable assistance to their country during nonmilitary emergencies. For example, in the aftermath of Hurricane Hugo and the devastating 1989 Loma Prieta earthquake that struck the San Francisco Bay area, hardworking Naval Reservists were on the front lines of relief efforts.

The men and women of the Naval Reserve boast a long tradition of courageous and dedicated service to their fellowman. As we enter a new decade and a new century, their operational readiness will continue to be critical to our Nation's security and well-being. That is why, as we salute all Naval Reservists, we also pay tribute to their families and employers—their generous support and encouragement help our reservists to fulfill the dual role of citizen-sailor.

In honor of the thousands of Americans who have served this country as U.S. Naval Reservists, and in grateful recognition of those reservists who have given their lives in the line of duty, the Congress, by Senate Joint Resolution 266, has designated March 1990 as "United States Naval Reserve Month" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 1990, the 75th anniversary of the Naval Reserve, as United States Naval Reserve Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



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Federal Register

Vol. 55, No. 64

Tuesday, April 3, 1990

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Guide to Record Retention Requirements

in the Code of
Federal Regulations (CFR)

GUIDE: Revised January 1, 1989

SUPPLEMENT: Revised January 1, 1990

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

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Monday, January 23, 1989
Volume 25—Number 4

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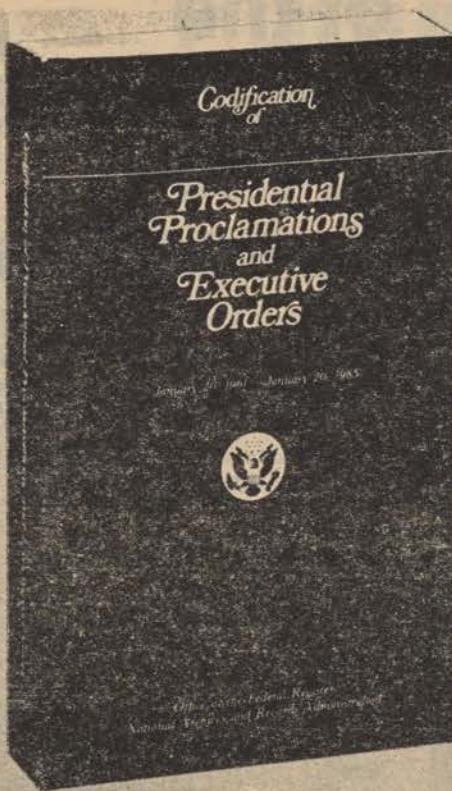
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